AT, Donna

Department of Energy
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

May 22, 1995

RECEIVED
MAY 23 1995
U.S. DEPARTMENT OF ENERGY
ARGONNE AREA OFFICE

A. L. Taboas, Area Manager
Argonne Area Office

SUBJECT: DELEGATION OF CATEGORICAL EXCLUSION (CX) APPROVAL AUTHORITY

Based on confirmation that you have designated an Area Office NEPA Compliance Officer, have prepared CX review procedures and a quality assurance plan, and have access to Department of Energy legal resources, I hereby delegate the requested authority to you, effective immediately.

Experiences with NEPA have shown that early and adequate project and facility planning is essential to a satisfactory NEPA program. Early planning will assure that environmental values are considered, potential conflicts are identified, and delays are avoided. Therefore, as you finalize your procedures for preparation, review, and approval of CXs, assure yourself that your procedures, policies, responsibilities, etc., adequately address early planning.

We will continue to provide information, training, and other types of support during your efforts to make the CX process more efficient and useful to your office. If problems arise or you have questions or concerns about any of your determinations, I expect you will contact us.

Cherri J. Langenfeld
Cherri J. Langenfeld
Manager

cc: C. Borgstrom, HQ, EH-42/FORSTL
O. Lawrence, HQ, EE-64/FORSTL
M. Mazaleski, HQ, NN-12/FORSTL
R. Scott, HQ, EM-20/FORSTL
C. Hickey, HQ, ER-8.2/GTN
R. Sharma, HQ, NE-443/GTN

File: _____

Department of Energy
Argonne Area Office
9800 South Cass Avenue
Argonne, Illinois 60439

APR 06 1995

Cherri J. Langenfeld
Manager

SUBJECT: DELEGATION OF APPROVAL AUTHORITY FOR CATEGORICAL EXCLUSIONS

I am requesting your delegation of approval authority for NEPA categorical exclusion. Enclosed are three supporting documents that demonstrate our commitment and ability to fulfill this responsibility.

1: "Re-delegation of Approval Authority for Categorical Exclusion"

2: "Quality Assurance Plan for the Categorical Exclusion Determination Process"

3: Draft "AAO Standard Operating Procedure (SOP-2): Implementation of/and Compliance with the National Environmental Policy Act (NEPA)"

Successful implementation of the requested delegation is expected to have a significant impact in the implementation of NEPA at Argonne.

If you have questions, please contact me or have your staff contact Ken Chiu at 2-2376.

A. L. Taboas
Area Manager

Enclosures:
As stated

cc: R. Purucker, AAO, w/o encls.
M. Flannigan, ESHD, w/encls.
S. White, ESHD, w/encls.
G. Walach, GLD, w/encls.

AAO.950406.0201

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SIGNED BY
L. TABOAS

A. L. Taboas
Area Manager

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As stated

cc: R. Purucker, AAO, w/o encls.
M. Flannigan, ESHD, w/encls.
S. White, ESHD, w/encls.
G. Walach, GLD, w/encls.

ARGONNE AREA OFFICE

Supporting Documentation:

RE-DELEGATION OF APPROVAL AUTHORITY FOR CATEGORICAL EXCLUSION

April 1995

Approved by:_____

A.L. Taboas
Area Manager

Argonne Area Office Supporting Documentation for The Re-delegation of Approval Authority for Categorical Exclusion

Introduction

The Argonne Area Office (AAO) is committed to achieve a successful and quality National Environmental Policy Act (NEPA) categorical exclusion (CX) determination program through:

- Management commitment, and
- Development of programs and procedures to ensure a quality CX determination process as well as compliance with NEPA regulatory requirements.

Management Commitment

The AAO Manager shall demonstrate management commitment to the success of the CX determination process by:

- Issuance of a policy statement that takes personal responsibility to integrate the NEPA process into every applicable facet of programs and projects under his cognizance.
- Appointment of an AAO NEPA Compliance Officer (AAO-NCO) who will have full authority to implement the NEPA process.
- Providing adequate resources to implement the recommendations of the NEPA Total Quality Management (TQM) team to affect NEPA process improvements.
- Assuming responsibility for final approval of all CX determination

Quality Assurance

In order to ensure a quality CX determination process at the AAO, the following programs/procedures will be developed and implemented:

- Ensure that Argonne National Laboratory (ANL) develop and implement a fail-safe system to ensure that the Environmental Evaluation Notification Form (EENF) evaluation/preparation checkpoint is built into the planning phase of every project. Projects cannot be initiated without clearance from this checkpoint.

- Interpretive guidance will be developed jointly with the Chicago Operations Office NCO and ANL to address the following:

  1. How to determine when an EENF should be prepared.

  2. How to prepare an EENF.

  3. A procedure/checklist for a quality review of the EENF for a proper NEPA determination.

- A training plan will be developed jointly by AAO and ANL to ensure that AAO line managers and compliance personnel are competent and knowledgeable in the implementation of the above procedures. The AAO-NCO will oversee the development and implementation of the training plan.

- A quality assurance (QA) program will be developed and implemented by AAO to ensure the CX determination process is a quality process that meets the NEPA regulatory requirements. The QA program will consist of the following elements:

  1. A written QA Plan for the NEPA review and CX determination process in accordance with applicable DOE orders and federal regulations.

  2. An audit program to assess the preparation, review and approval of the EENF in the CX determination process.

  3. A lessons-learned program to improve the NEPA review and CX determination process.

  4. A computer communication network to speed the processing of EENFs and to enable line managers to check the progress of the NEPA determination process.

  The AAO-NCO will coordinate the development and implementation of these QA program elements.

Resources to Implement the CX Delegation Approval Authority

The AAO will have available the following resources to implement a successful CX determination process:

- An AAO-NCO who will have full authority and responsibility to implement and oversight the CX determination process within AAO line management and ANL.

- Legal resources will be provided on an as requested basis by the General Law Division.

Performance Criteria for CX Delegation Approval Authority

The success of the CX delegation to the AAO will be measured by the following criteria:

- Cycle time of the EENF review. The goal is to have a cycle time of no more than two calendar weeks to make a CX determination.

- The number of revisions needed for the EENF review. The goal is to have no more than one revision for every five EENFs reviewed.

- Projects that are adversely impacted by the NEPA review process. The cost or schedule of any project should not be adversely impacted by the NEPA process, since NEPA review is already built into the scope of each project. Regulatory issues will be identified up front during the review process so that the project manager can address the issues early and in a timely manner.

- The reliability of the fail-safe system. The goal is that all projects will undergo the EENF evaluation/preparation and review process.

These performance criteria will be tracked by the AAO-NCO. Performance assessments will be made periodically through the audit program. Performance deficiencies or NEPA process improvement needs will be addressed through the lessons-learned program. The reliability of the fail-safe system will be measured by the audit program.

Support and Assistance

The AAO will need the assistance and support from the Chicago Operations Office for the following:

- NEPA policy issues

- Development of interpretive guidance

- Legal resources as needed

ARGONNE AREA OFFICE

Supporting Documentation:

QUALITY ASSURANCE PLAN FOR THE CATEGORICAL EXCLUSION DETERMINATION PROCESS

Argonne Area Office
Quality Assurance Plan for the
Categorical Exclusion Determination Process

I. Introduction

The National Environmental Policy Act (NEPA) is the federal government's basic charter for the protection of the environment. The NEPA review process enables the Department of Energy (DOE) to achieve the results, outcomes, and products of all proposed federal actions that respond to the goals of the Act and the goals of the Council on Environmental Quality (CEQ) regulations.

The categorical exclusion (CX) determination process is the first step in the NEPA review process which identifies classes of federal actions that DOE has determined do not individually or cumulatively have a significant effect on the human environment. These classes of CX federal actions are found in 10 CFR 1021, Subpart D, Appendix A and B.

To ensure that the NEPA review and CX determination process is a quality one, Argonne Area Office (AAO) has prepared this Quality Assurance (QA) Plan in accordance with the guidelines of DOE Order 5700.6C, Quality Assurance. The implementation of this QA Plan for the CX determination process will ensure quality standards in the preparation, review and approval of CX documentation.

II. References of Specific Regulatory and Procedural Drivers

A. Laws and Regulations:

The National Environmental Policy Act of 1969, as Amended.

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

10 CFR Part 1021, "Department of Energy National Environmental Policy Act Implementating Procedures and Guidelines"

10 CFR Part 1021, "Department of Energy Compliance with Floodplain/Wetlands Environmental Review Requirements"

DOE Order 4320.1B, "Site Development Planning"

DOE Order 4700.1, "Project Management System"

DOE Order 5401, "General Environmental Protection Program"

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

DOE Order 5700.6C, "Quality Assurance"

B. Policies, Requirements, and Guidance

1. Departmental and Secretarial

"Secretarial Policy Statement on the National Environmental Policy Act", Office of the Secretary, June 13, 1993.

"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

"Draft NEPA Compliance Guide: Guidance Manual for Department of Energy Compliance with the National Environmental Policy Act and Related Federal Environmental Statues", October, 1988 and September, 1994.

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

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.

"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.

4. Chicago Operations Office (CH) Guidance

DOE-CH Order 5440.1E, "NEPA Compliance Program" (draft)

CH Procedures for Preparing the Environmental Evaluation Notification Form (EENF) (To be revised)

"Supporting Documentation: Delegation of Approval Authority for Environmental Assessments", July, 1994.

5. Argonne Area Office Guidance

Procedure to determine if an EENF should be prepared (To be developed jointly with CH-NCO and ANL)

Procedure to review the EENF for a NEPA determination (To be developed jointly with CH-NCO and ANL)

"Argonne Area Office (AAO) Standard Operating Procedure (SOP-2): Implementation of/and Compliance with the National Environmental Policy Act (NEPA)" (attached)

III. Organizational Roles and Responsibilities

AAO's implementation of the NEPA review and CX determination process is accomplished by individuals at various levels within the AAO and Argonne National Laboratory (ANL). The organizational roles and responsibilities of these

individuals are described below. All NEPA documents are reviewed by these individuals prior to final approval by the AAO Area Manager.

A. AAO Area Manager

The AAO Area Manager is responsible for assuring that a proper level of NEPA review is established for all applicable programs and projects under his cognizance. He has the final approval authority for CX determination. He is also responsible for providing adequate resources to implement the CX determination process and to appoint the AAO NEPA Compliance Officer (AAO-NCO).

B. Cognizant Line Managers

The AAO and ANL line managers are responsible for integrating the NEPA review process into project planning and scheduling. They oversee the preparation and initial quality of the EENF prior to submittal to the AAO-NCO. As necessary they also verify the physical features and areas of proposed projects.

C. AAO-NCO

The AAO-NCO is responsible for the overall quality of the NEPA review process at AAO. He/she oversees AAO's implementation of the CX determination process as well as compliance with the requirements, regulations, policies, procedures and guidance identified in this QA plan. He/she conducts final reviews of the EENF before making recommendations to the Area Manager for the proper level of NEPA determination. He/she reports to the Area Manager through the Director of Environmental Management and Compliance Division (EMCD). He/she performs assessments of the ANL NEPA review process.

D. CH-NCO

The CH-NCO in the Environment, Health and Safety Division (ESHD) will have an advisory role in NEPA policy issues. He/she performs bi-annual assessments of the AAO NEPA review and CX determination process. The CH-NCO also performs concurrent reviews for ten percent of the EENFs received by the AAO-NCO. He/she reviews EENFs for non-CX determinations.

E. General Law Division (GLD)

Legal staff members in CH-GLD provide support on NEPA legal issues upon request by AAO. GLD will be given

the opportunity to review EENFs recommended for site-wide CX prior to AAO approval.

IV. Approval of ANL's NEPA Review Quality Assurance Plan

The AAO-NCO assures that an ANL NEPA Review Quality Assurance Plan (QAP) for the preparation and review of the EENF is prepared by ANL. The QAP will institute a fail-safe process in which NEPA review is built into the planning and scheduling of every applicable project at ANL. The QAP will also adequately demonstrate compliance with the laws, regulation, policies, requirements and guidance identified in this QA plan.

V. 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 AAO NEPA review and CX determination process.

A. Management

Criterion 1. Program

The organizational roles and responsibilities described in Section III of this Plan ensure the NEPA review and CX determination process will provide quality NEPA documentation to support AAO's project and program decision making.

Criterion 2. Personnel Training and Qualification

AAO ensures that ANL personnel involved in the NEPA review process shall be qualified professionals by background, experience, and/or training. These personnel shall be adequately trained in the laws, regulation, policies, requirements and guidance identified in this QA Plan.

Criterion 3. Quality Improvement

Quality improvement of the AAO NEPA review and CX determination process is achieved through the auditing program and lessons-learned program. The AAO-NCO oversees the development of these programs. AAO will also utilize the NEPA workshops at the Semiannual ES&H Coordination Meetings to focus on continuous NEPA review process improvements.

Criterion 4. **Documents and Records**

The AAO-NCO maintains a computerized NEPA database tracking system which tracks the milestones in the NEPA review process for every project. This database is shared by AAO and ANL line management and NEPA review personnel. A computer communication network is also instituted to expedite the EENF review.

B. Performance

Criterion 5. **Work Process**

The major milestones in the AAO NEPA review process are summarized below:

- **Initiate NEPA Review Process.** At the project or program planning phase, ANL/AAO line management decides whether NEPA review is required based on established DOE guidance. If NEPA review is required, prepare an EENF (CH Form 560). ANL line management performs initial quality check of the EENF prior to submittal to the ANL Environmental Compliance Officer (ECO). The ECO quality checks the EENF prior to submittal to the AAO-NCO for his/her review. AAO line management submits the EENF to the AAO-NCO for his/her review after an initial quality check of the EENF.

- **Determine Appropriate Level of NEPA Documentation.** The AAO-NCO performs a final review of the EENF to determine the appropriate level of NEPA documentation. If the determination is an CX, he/she forwards the EENF to the Area Manager for approval of the determination. An informational copy of the approved EENF form will be sent to the CH-NCO for his/her records. If the tentative determination is an EA or EIS, the AAO-NCO forwards the EENF to the CH-NCO for his review.

- **EENF Revision.** If the AAO-NCO requires revision of the EENF that he/she is reviewing, he/she will coordinate with the ANL ECO or the AAO line manager to address the changes required.

- **Process Tracking.** A computer communication network will be used to speed the processing of EENFs and to allow NEPA reviewers to check the progress of the NEPA review process.

Criterion 6. Design

This criterion does not apply to the NEPA review and CX determination process.

Criterion 7. Procurement

The Area Manager and the AAO-NCO ensure ANL will have procedures/policy, i.e. training plan, in place so that contractor personnel are qualified to perform the required services, and have sufficient resources to implement the NEPA review process. The AAO-NCO ensures that the contractors are provided with all of the necessary guidance, procedures, rules, and requirements to adequately prepare and review quality EENF. Contractor performance is monitored periodically by the AAO-NCO and/or AAO line management to ensure quality products.

Criterion 8. Inspection and Testing

Inspection and testing do not apply to the NEPA review process.

C. Assessment

Criterion 9. Management Assessment

AAO-NCO and line management continually self-assess the quality and effectiveness of the AAO NEPA review and CX determination process through an established audit program. AAO-NCO also assesses the ANL NEPA review process. The audit program defines performance criteria to be assessed. Performance deficiencies or improvement needs are addressed through the lessons-learned program.

Criterion 10. Independent Assessment

Independent assessment of the AAO NEPA review and CX determination process is provided by CH-ESHD. The CH-NCO conducts concurrent reviews on ten percent of the EENFs received by AAO to ensure proper implementation of the NEPA review and the CX determination process.

DRAFT

AAO SOP-2
Rev. 3
3/30/95

ARGONNE AREA OFFICE STANDARD OPERATING PROCEDURE (SOP-2): IMPLEMENTATION OF/AND COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

OBJECTIVES:

To establish a mechanism in the Argonne Area Office (AAO) within the Department of Energy, Chicago Operations Office (DOE-CH) for the review of NEPA documentation, the implementation of NEPA categorical exclusion (CX) determination and approval process, and the timely submittal of NEPA documentation to DOE-CH for appropriate NEPA determinations other than CX determinations.

REFERENCES:

A. Laws and Regulations:

The National Environmental Policy Act of 1969, as Amended.

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

10 CFR Part 1021, "Department of Energy National Environmental Policy Act Implementating Procedures and Guidelines"

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"Argonne Area Office Supporting Documentation: Quality Assurance Plan for the Categorical Exclusion Determination Process"

RESPONSIBILITIES:

A. AAO Area Manager

The AAO Area Manager is responsible for assuring that a proper level of NEPA review is established for all applicable programs and projects under his cognizance. He has the final approval authority for CX determination. He is also responsible for providing adequate resources to implement the CX determination process and for appointing the AAO NEPA Compliance Officer.

B. AAO-E Environmental Compliance Team

1. Team Leader

a. Ensures consistency within AAO for the processing of NEPA documents.

b. Concurs on NEPA document reviews and CX determination recommendations by the AAO NEPA Compliance Officer.

2. <u>AAO NEPA Compliance Officer (AAO-NCO)</u>

   a. Reviews NEPA documents prepared by Argonne National Laboratory - East (ANL-E) and AAO-E project managers and makes appropriate NEPA determination recommendations.

   b. Prepares the necessary NEPA correspondence and follows established NEPA review procedures for projects that require DOE-CH determination and approval, i.e. environmental assessments.

   c. Provides NEPA guidance to AAO-E staff and ANL-E personnel as necessary.

   d. Audits the AAO-E and ANL-E NEPA review processes.

   e. Coordinates with ANL-E training program to provide NEPA training to AAO-E program or project managers.

   f. Implements a computerized NEPA tracking program and provides updates on the status of NEPA reviews and determinations for proposed projects.

   g. Implements a lessons-learned program to improve the NEPA review process.

C. AAO Program/Project Managers/Team Leaders - All Divisions

1. Ensure that NEPA documentation has received proper approval before projects begin.

2. Prepare and perform initial quality check of EENFs for projects managed directly by AAO before the EENFs are transmitted to the AAO-NCO or AAO-W NEPA Coordinator for review.

3. Track the progress of NEPA reviews of projects through the computerized NEPA tracking system to ensure timely NEPA reviews as needed.

4. Inform the AAO-NCO or AAO-W NEPA Coordinator of any changes in project status that may affect the validity of approved NEPA determinations.

5. Assist the AAO-NCO or AAO-W NEPA Coordinator in identifying needed NEPA improvements.

D. All AAO-E Divisions

1. Division Director

   Ensure that proposed projects under his/her cognizance have received appropriate NEPA review and approval before they begin.

2. Program/Project Managers/Team Leaders

   The responsibilities outlined above for AAO program/project managers/team leaders apply.

E. AAO-West Site Office

1. Site Director

   Ensure that proposed projects under his/her cognizance have received appropriate NEPA review and approval before they begin.

2. Program/Project Managers/Team Leaders

   The responsibilities outlined above for AAO program/project managers/team leaders apply.

3. AAO-W NEPA Coordinator

   a. Reviews NEPA documents and recommendations prepared by AAO-W project managers, ANL-W project managers and the ANL-W NEPA reviewer.

   b. Recommends CX determinations for proposed projects to the Area Manager for his approval.

   c. Prepares the necessary NEPA correspondence and follows established NEPA review procedures for projects that require DOE-CH determination and approval, i.e. environmental assessments.

   d. Provides NEPA guidance to AAO-W staff and ANL-W personnel as necessary.

   e. Implements a computerized NEPA tracking program and provides updates on the status of NEPA reviews and determinations for proposed projects.

f. Coordinates with the AAO-NCO to provide AAO-W and ANL-W staff with NEPA training and process improvement needs.

PROCEDURES:

A. Preparation of the EENF

For projects managed directly by AAO, AAO program/project managers prepare EENFs at the planning stage of the projects in accordance with DOE guidelines. They verify that all information for the proposed projects in the EENFs is complete and accurate. (For projects managed by ANL, ANL project managers will prepare the EENFs and transmit them to the ANL-E Environmental Compliance Officer (ECO) or the ANL-W NEPA reviewer.)

B. Processing the EENF

1. The AAO-NCO reviews the EENFs submitted by the ANL-E ECO and recommends appropriate NEPA determinations.

2. The AAO-W NEPA Coordinator reviews the EENFs submitted by the ANL-W NEPA reviewer and recommends appropriate NEPA determinations.

3. AAO-E program/project managers transmit the EENFs to the AAO-NCO for his/her review and recommendation. AAO-W program/project managers transmit the EENFs to the AAO-W NEPA Coordinator for his/her review and recommendation.

4. When the AAO-NCO or the AAO-W NEPA Coordinator reviews the EENFs and determines changes to the EENFs are needed, he/she will coordinate with the AAO program/project managers, the ANL-ECO or the ANL-W NEPA reviewer respectively to address the changes required.

5. When the AAO-NCO or the AAO-W NEPA Coordinator reviews the EENFs and identifies NEPA policy or legal issues that need to be resolved, he/she will contact the CH-NCO or the General Law Division for guidance as needed.

C. Determination Authority for Proposed Actions Listed in Subpart D, CFR Part 1021

1. When the AAO-NCO or the AAO-W NEPA Coordinator recommends a CX determination for a proposed action, he/she forwards the EENF to the Area Manager for approval.

2. Upon approval of the CX determination by the Area Manager, the AAO-NCO transmits the approved EENF to the ANL-E ECO or the AAO-W NEPA Coordinator. A copy of the approved EENF will be forwarded to the CH-NCO for his records.

3. Ten percent of the EENFs that are recommended for CX determination will be forwarded by the AAO-NCO to the CH-NCO for his concurrent review and quality assurance check. The Area Manger will have the final approval authority for these EENFs.

D. Determination Authority for Proposed Non-Subpart D Actions

1. When the AAO-NCO or the AAO-W NEPA Coordinator recommends a NEPA determination other than a CX for a proposed action, he/she forwards the EENF to CH for a determination.

2. If the CH-NCO concurs with the AAO recommendation, he will notify AAO of his concurrence. The AAO-NCO or the AAO-W NEPA Coordinator or his/her designate will be designated as the NEPA document manager for the proposed project.

3. The document manager will follow the appropriate DOE guidelines or procedures in preparing the necessary NEPA documentation and coordinating the NEPA reviews.

4. The final approval authority for an Environmental Assessment (EA) is the Chicago Operations Office Manager (OM).

APPROVED BY _____ **DATE** _____
Anibal L. Taboas, Area Manager