



Environmental Management Consolidated Business Center (EMCBC)

Subject: EMCBC or Service Level Agreement (SLA) National Environmental Policy Act (NEPA) Environmental Assessment (EA) Process

Implementing Procedure

APPROVED: (Signature on File)

EMCBC Director

ISSUED BY: Office of Logistics Management

1.0 PURPOSE

To establish procedures for the preparation, review, and approval of NEPA Environmental Assessment Determinations (EAD's), EA's, and Findings of No Significant Impacts (FONSI) for actions under the purview of EMCBC or SLA sites.

2.0 SCOPE

The scope of this procedure is to provide a systematic approach to prepare, review, approve revise, and distribute an EA.

3.0 APPLICABILITY

This procedure is applicable to EMCBC or SLA personnel and contractors, who prepare, review or approve EAD's, EA's or FONSI's for actions that are the responsibility of EMCBC or SLA sites.

4.0 REQUIREMENTS/REFERENCES

4.1 Requirements

4.1.1 DOE O 451.1B, DOE NEPA Compliance Program

4.1.2 40 CFR Parts 1500-1508, Council on Environmental Quality NEPA

4.1.3 10 CFR Part 1021, DOE NEPA Implementing Procedures

4.2 References

4.2.1 EMCBC/SLA PL-451-01, National Environmental Policy Act (NEPA) Compliance Program Plan

4.2.2 EMCBC/SLA NEPA IP-451-02, Establishing the Level of National Environmental Policy Act Review and Documentation

5.0 DEFINITIONS

Refer to Glossary of Terms used in DOE NEPA Documents dated September 1998 located at: <http://www.eh.doe.gov/NEPA/tools/guidance/glossary.pdf>

6.0 RESPONSIBILITIES

6.1 EMCBC / SLA DIRECTOR

6.1.1 Approves formal EAD's.

6.1.2 Performs duties associated with NEPA delegation from DOE Headquarters (HQ).

6.2 NEPA Compliance Officer (NCO)

6.2.1 Concurs on and signs the EAD and Environmental Checklist (Reference PL-451-01-F1 and IP-451-01-F2).

6.2.2 Notifies agencies in writing that a determination has been made to prepare an EA.

6.2.3 Reviews and concurs on EA's.

6.2.4 Participates in the review of contractor Task Order proposals and the selection of the successful offeror for the preparation of and EA.

6.2.5 Participates in the compliance with the Task Order Statement of Work as it relates to completion of the EA.

6.3 Contracting Officer (CO)

6.3.1 Receives project – related deliverables.

6.3.2 Participates in the review of contractor Task Order proposals and the selection of the successful offeror for the preparation of an EA.

6.3.3 Ensures contractor compliance with the Task Order Statement of Work (SOW) through completion.

6.4 Contracting Officer's Representative (COR)

6.4.1 Supports development of NEPA Task Order SOW with NDM, NCO, and other NEPA Project Team members.

6.4.2 Participates in the review of contractor Task Order proposals and the selection of the successful offeror for the preparation of an EA.

6.4.3 Ensures contractor compliance with the Task Order SOW through completion.

6.5 NEPA Document Manager

6.5.1 Assembles NEPA Project Team

6.5.2 Prepares cover memorandum to accompany the EAD and Environmental Checklist, Draft EA, Final EA, and FONSI through the EMCBC / SLA concurrence chain.

6.5.3 Ensures that the EAD, Draft EA, Final EA, and FONSI contain the appropriate level of NEPA review and an accurate description of the proposed action. The NDM initials on the concurrence chain to signify that the document meets the above criteria.

6.5.4 Prepares or oversees preparation of EAs to ensure the production of an adequate document and that the NEPA process is kept on schedule and within budget.

6.5.5 Notifies the public of intent to prepare EA.

6.5.6 Participates in the review of contractor Task Order proposals and the selection of the successful offeror for the preparation of an EA.

6.5.7 Prepares approval memo and distribution letter for the Final EA and FONSI (an example is provided in Attachment A of this procedure).

6.6 Contractor

6.6.1 Prepares EA's when requested by the COR.

6.6.2 Submits an Organizational Conflict of Interest (OCI) Statement to the CO prior to awarding of work. The contractor selected must not have an interest in the outcome of the project.

6.7 Office of Chief Counsel (OCC)

6.7.1 Reviews and concurs on the EAD and Environmental Checklist and identifies any potential legal issues.

6.7.2 Reviews and concurs on EA's and FONSI's.

6.8 NEPA Project Team - The project team is assembled by the NDM. Members of the project team could include:

- EMCBC/SLA Director or Project Manager;
- EMCBC/SLA NCO or representative designated by NCO;

- EMCBC/SLA Counsel (OCC);
- EMCBC/SLA and/or Contractor Community/Public Relations Specialist;
- Site Contractor Project/Design Engineer;
- NEPA Contractor Project Manager;
- Contractor Environmental/NEPA Specialist;
- Other Environmental and Technical Specialist from EMCBC/SLA Site;

Depending on the complexity, degree of public concern or the level of controversy regarding an action, the NDM may decide to include the HQ Program and NEPA Program Manager as representatives on the project team.

7.0 PROCEDURE

7.1 The EA/FONSI process flow is described below and shown in Attachment D of this procedure.

7.1.1 Prepare EA Determination - The format of an EAD is as follows:

- The title of the proposed action and the name of the project.
- Location of the action.
- A brief description of the proposed action and potential issues.
- The class of actions to be applied.
- Signature blocks for approvals.

7.1.1.1 The NDM reviews the description of the actions and prepares an EAD (Example in PL-451-01, Attachment D) and Environmental Checklist (Reference PL-451-01-F1) or Environmental Questionnaire (Reference PL-451-01-F2). The EAD and Environmental Checklist or Environmental Questionnaire should contain sufficient information to determine that an EA is the appropriate level of review. Subpart D EAD's should cite the class of action from Appendix C to Subpart D of Title 10 Code of Federal Regulations (CFR) 1021. EAD's should include signature lines for the EMCBC/SLA NCO, and the EMCBC/ SLA Director.

7.1.1.2 The NDM submits the draft EAD to the EMCBC/SLA NCO. The NCO:

- Determines if an EA is the correct level of NEPA review, and if the EAD correctly identifies the action as a Subpart D EAD or a Non-subpart D EAD.
- Reviews the EAD for brief description of the action and the location of the action.
- Reviews the EAD for appropriate application of a class of actions in accordance with the DOE NEPA Rule (Subpart D actions).
- Reviews the EAD for grammar, spelling, and correct format.
- Determines the need for a multidisciplinary review by other staff.
- Indicates changes needed in the EAD and may confer with the responsible NDM before returning the documents for revision.

NOTE: This step is repeated, as necessary, until the EAD is acceptable.

7.1.1.3 The NDM prepares the EAD request for routing through the EMCBC/SLA NEPA concurrence chain and transmits the EAD request to the EMCBC NCO.

7.1.1.4 At a minimum the EMCBC/SLA NEPA concurrence chain will contain the NDM, EMCBC/SLA, NCO, OCC, and the EMCBC/SLA Director. Once the EMCBC/SLA Director has signed the EAD, a copy of the signed EAD is transmitted to the NDM.

7.1.1.5 The EMCBC/SLA NCO will notify the Regulatory Agencies Stakeholders (for a baseline list please refer to the Stakeholders Directory at: <http://www.eh.doe.gov/nepa/tools/StakeholdersDirectory.pdf>)

7.1.2 Conduct Internal Scoping and Notify Public

7.1.2.1 The purpose of internal scoping for the EA is to determine issues and alternatives that need to be evaluated and the depth of the analysis required. Internal scoping is initiated by the NDM after the project team has been selected and should occur early in the EA process, typically immediately after the approval of the EAD.

7.1.2.2 The NDM will notify the public of the intent to prepare an EA. Public notice that an EA will be prepared should be made in

accordance with EMCBC/SLA NEPA PI-451-07, Public Participation under the NEPA Process.

7.1.3 Invite Cooperating Agencies to Participate

The NDM will consult, when necessary, with the U.S. Fish and Wildlife Service; the U.S. Army Corps of Engineers and appropriate state agencies under Section 404 of the *Clean Water Act*; and with the State Historic Preservation Offices, *National Historic Preservation Act* consultations, to identify potential environmental consequences of a proposed action. EMCBC/SLA NEPA staff will seek the cooperation of other potentially interested agencies, including Federal, state, local, tribal, and non-government entities.

7.1.4 Prepare Preliminary Draft EA

The NDM will manage preparation of the Preliminary Draft EA that provides a complete analysis of all data and impacts of the proposed action and alternatives and recommend mitigation, if necessary, in compliance with Council on Environmental Quality and DOE's NEPA implementing regulations (40 CFR 1500 et seq. and 10 CFR 1021). It should address all technical issues in an appropriate level of detail commensurate with potential impacts in order to determine that either a FONSI can be issued, or that the action is a major Federal action requiring an Environmental Impact Statement (EIS) because it significantly affects the quality of the human environment. The Preliminary Draft EA should include a description of the location of the action, figures depicting project location, and the proposed action and alternatives, and a description of any environmentally sensitive areas that may be impacted.

The EA should be prepared in accordance with the Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements, second edition, December 2004,

http://www.eh.doe.gov/nepa/tools/guidance/green_book2004_12_30_final.pdf

The following is a general outline of the information to be included in an EA.

- Title Page
- Table of Contents
- List of Figures
- List of Tables
- Summary
- Introduction
- Purpose and Need
- Scope
- Proposed Action and Alternatives
- Existing/Affected Environment
- Environmental Consequences

- Agencies Consulted
- Environmental Permits
- References
- List of Preparers
- Appendices (including copies of letters of consultation, comments, and response to comments)
- Approved/Signed FONSI should be bound in the front of the Final EA document

7.1.5 Conduct Internal Review of Preliminary Draft EA

Upon receipt of the Preliminary Draft EA the EMCBC / SLA NEPA Staff reviews that document to ensure the following elements are included:

- A clear statement of the purpose, a complete description of the project, a description of the need for the project, and relevant background information;
- A description of reasonable alternatives (always including the no action alternative) to the proposed action under consideration, and a description of alternatives considered and rejected;
- A description of the existing/affected environment at the location of the action;
- An analysis of any potential environmental issues associated with the proposed action and the alternatives;
- A section on permit compliance that identifies any permits that will be required in order to perform the action; and
- Grammar, spelling, and format. Provides comments to and confers with the NDM before returning the EA for revision.

7.1.6 Prepare Concurrence Draft EA

The NDM will manage preparation of the Concurrence Draft EA. The Concurrence Draft EA will incorporate all internal and cooperating/interagency comments received on the Preliminary Draft EA and address any outstanding data of analysis issues that were in the Preliminary Draft EA. After a thorough review to ensure that all comments and or outstanding issues were addressed the Concurrence Draft EA is sent by the NDM to the NCO, OCC, and EMCBC/SLA Director for review and approval.

NOTE: Reviews are repeated until all comments on the Concurrence Draft EA are resolved.

7.1.7 Publish Draft EA

Upon receipt of approval on the Concurrence Draft EA, the NDM or contractor will prepare a Draft EA for distribution to the public.

7.1.8 Distribute Draft EA

The NCO, after concurrence from the NDM and the OCC, transmits the Draft EA for comment to the affected State, appropriate agencies and appropriate stakeholders.

7.1.9 Hold Public Meeting on Draft EA

Within 30 days of the release of the Draft EA, the NDM will hold a public information meeting on the Draft EA. This forum will allow the public to meet with EMCBC/SLA project personnel and ask questions as well as submit comments on the draft. See Appendix F EMCBC/SLA NEPA PL-451-07, Public Participation under the NEPA Process and Effective Public Participation under the National Environmental Policy Act (<http://www.eh.doe.gov/nepa/tools/guidance/pubpart2.html>) for guidance and recommendations for effective public participation.

7.1.10 Incorporate Comments and Prepare Concurrence Final EA

Comments on the Draft EA will be compiled by the NDM. The NDM may choose to summarize comments or respond to individual comments. The contractor and / or NDM will prepare responses to comments received on the Draft EA, working with the NCO and, if necessary, the OCC. The NDM may also convene a comment resolution meeting with contractors, the NCO, Programs, and, if necessary, the OCC to resolve any outstanding comments, address new potential mitigation measures, or evaluate any newly proposed alternatives for inclusion in the Final EA. The NDM or contractor will prepare a comment resolution document which will include public comments (or summaries) and responses comments.

Preparation of the Concurrence Final EA will include a review and, if necessary, an update of proposed mitigation measures. The Concurrence Final EA is sent by the NDM to the NCO, OCC, EMCBC/SLA Director for review and approval.

7.1.11 Prepare Draft FONSI

The NDM will prepare a Draft FONSI. The FONSI will include a brief summary of the EA, the basis and authority for the determination, and the determination.

7.1.12 Review of Concurrence Final EA and Draft FONSI

Upon receipt of the Concurrence Final EA and Draft FONSI, the EMCBC / SLA NEPA NCO will:

- Review the Concurrence Final EA and provide comments to the NDM
- Review the draft FONSI for format and grammar and to ensure that conclusions of the FONSI are consistent with the Final EA and provide comments to the NDM.

NOTE: Reviews are repeated until all the comments of the Concurrence Final EA and draft FONSI are adequately addressed.

7.1.13 Prepare Final EA and FONSI

Upon receipt of approval on the Concurrence Final EA and Draft FONSI, the NDM or contractor will prepare the Final EA and FONSI for distribution to the public.

7.1.14 Publish and Distribute Final EA and FONSI

The NDM will distribute the Final EA and FONSI and issue the notice of public availability. The NDM or contractor will arrange to have the final version of the EA bound and develop a distribution list of interested parties within DOE and other agencies. The EA and FONSI should be distributed (normally within 2 weeks of approval) to the regulatory agencies and appropriate Stakeholders. Other interested agencies, organizations, and individuals should receive a copy of the EA and FONSI or notice of its availability and where they may go to read it or obtain a copy.

7.1.14.1 Notify Public. The NDM coordinates release of information on the EA and FONSI with the EMCBC/SLA Public Affairs Office. The NDM should make sure that either a Notice of Availability (NOA) or the entire FONSI is published in the local newspapers. The NOA should state where copies of the EA and FONSI are Available and provide an address for individuals who want to request a copy.

7.1.14.2 Publish FONSI in Federal Register. The FONSI will be published in the Federal Register if the proposed action is of national interest. An action of local interest only should involve notification activities as described above.

7.1.14.3 Provide Final EA and FONSI to DOE Information Center. The NDM ensures that copies of the EA and FONSI are delivered to the designated DOE EMCBC/SLA Information Center before a press release of NOA announces its availability. The EA and FONSI are

available for the public to read or obtain copies (at a cost of 10 cents per page) at the EMCBC/SLA designated Center.

7.1.15 Compile Administrative Record (AR)

The NDM or contractor will maintain an AR throughout the EA Process. The AR should include correspondence with cooperating agencies, documents related to key decisions, meeting records, input from the public, written technical direction from EMCBC/SLA to contractors, documentation on assumptions associated with alternatives, data sources or data used to make assumptions for analysis, personal communications that were used in the EA, memoranda or rationale for any major changes to the EA or supporting analysis, response letters to commenter's, public notices copies of all postal or delivery services records of delivery, and the decision document.

8.0 RECORDS MAINTENANCE

- 8.1 All records generated by this procedure shall be prepared, maintained, and stored in concordance with DOE O 200.1, Information Management Program.
- 8.2 All records are required to comply with the EMCBC IP 243-03, Identification, Filing, and Maintaining Records.

9.0 FORMS USED

- 9.1 Reference PL-451-01-F1, Environmental Checklist
- 9.2 Reference PL-451-01-F2, Environmental Questionnaire

10.0 ATTACHMENTS

- 10.1 Attachment A- Approval Memo for Final EA and FONSI
- 10.3 Attachment B - NEPA Environmental Assessment Process Flow

11.0 FLOWCHART – Attached as Attachment B

EXAMPLE APPROVAL MEMO FOR EA

DOE 1325.8
(4/93)

United States Government

Department of Energy

Oak Ridge Operations Office

memorandum

DATE:

REPLY TO
ATTN OF:

EM-97: Vicks

SUBJECT:

**ENVIRONMENTAL ASSESSMENT FOR QUADRANT II CORRECTIVE
MEASURES IMPLEMENTATION AT THE PORTSMOUTH GASEOUS
DIFFUSION PLANT, PIKETON, OHIO**

To: Dennis Boggs, Chief Operating Officer

The subject Environmental Assessment (EA), dated January 2003, has been reviewed in accordance with our responsibilities under the Department of Energy (DOE) Order 451.1B, paragraph 5a(9). Based upon this review, recommendations made by your staff and, after consultation with the Office of Chief Counsel and the National Environmental Policy Act (NEPA) Compliance Officer, I have determined that within the meaning of NEPA, the proposed action is not a major Federal action significantly affecting the quality of the human environment. Therefore, the preparation of an Environmental Impact Statement is not required. The basis for this determination is explained in the attached Finding of No Significant Impact (FONSI) and the supporting final EA.

Please note that the Portsmouth Site Office is responsible for providing public notice of the availability of the EA and FONSI in accordance to 40 CFR 1506.6(b), 10 CFR 1021.322, and DOE Order 451.1B, paragraph 5e(5).

If you need further assistance or have any questions or comments, please contact David R. Allen, Oak Ridge Operations Office NEPA Compliance Officer at (865) 576-0411.

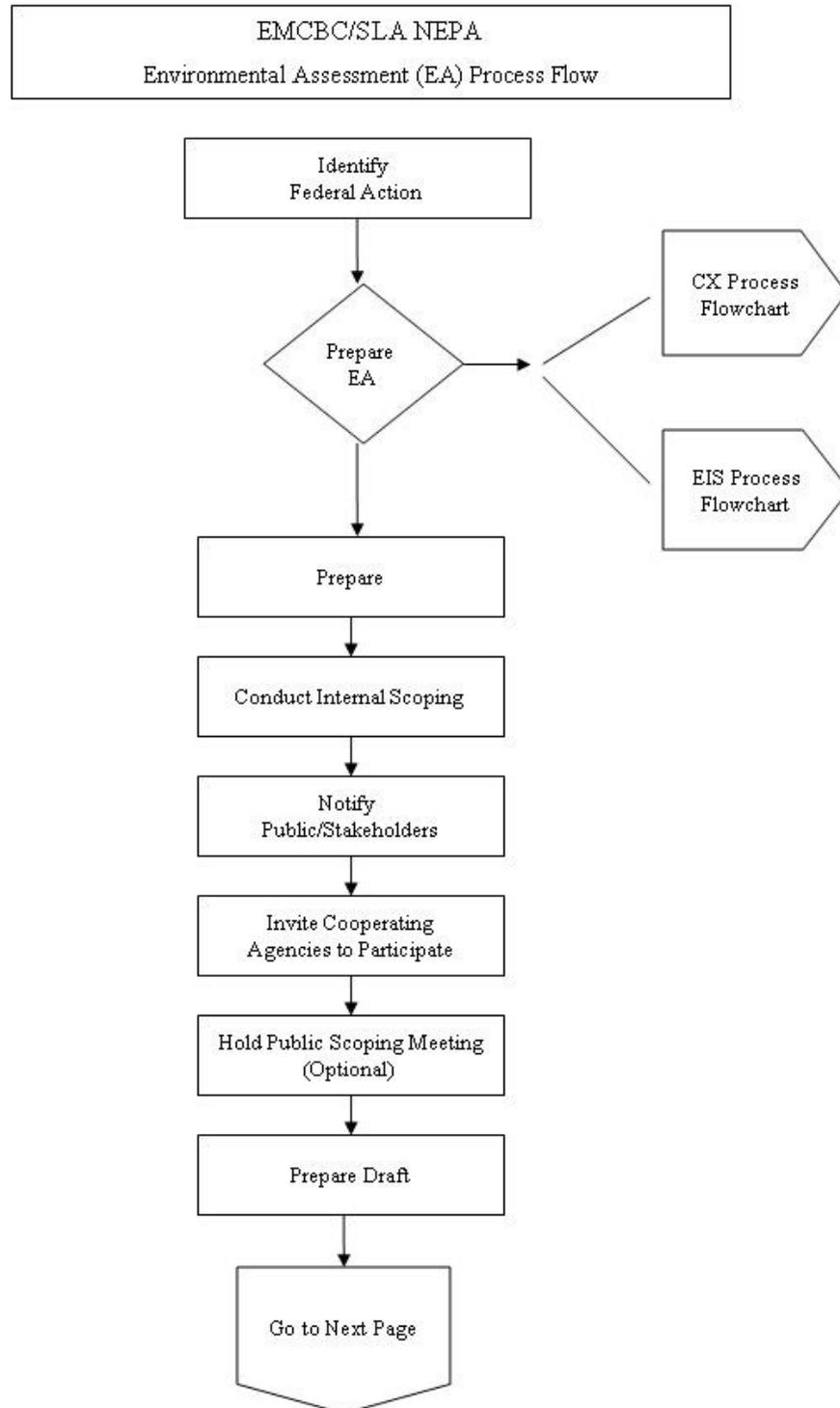
Gerald Boyd
Manager

Attachment

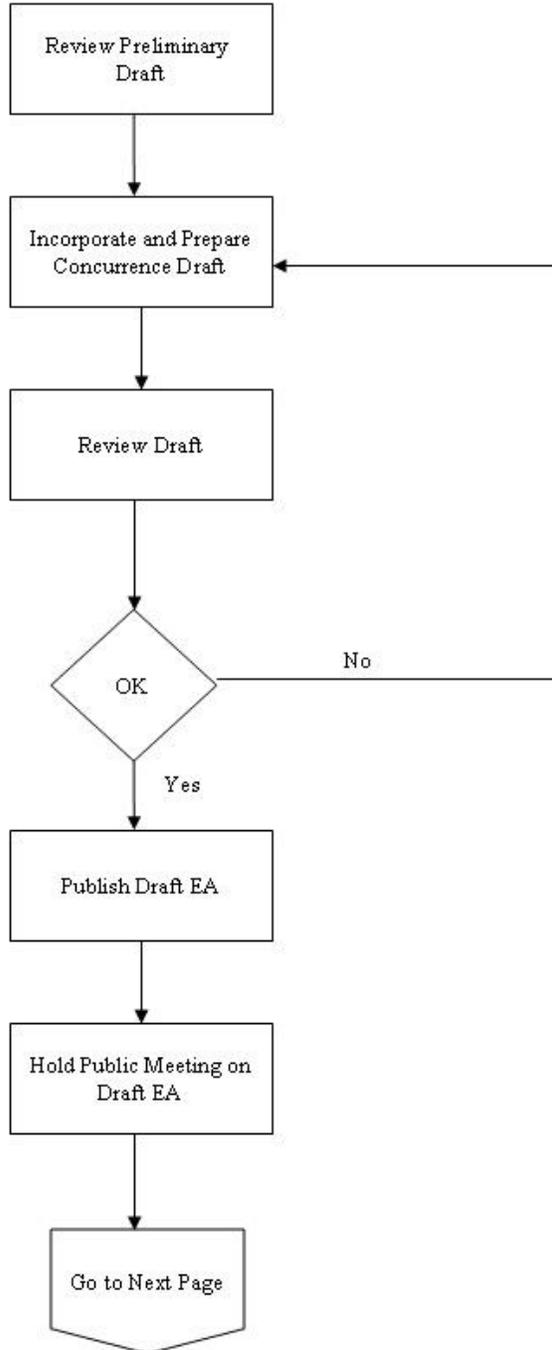
cc w/attachment
W. Murphie, EM-1Cloverleaf
M. Tobert, EM -32/HQ
T. Slack, CC-10/ORO
C.M. Borgstrom, EH-42/HQ
D. Allen, SE-3232/ORO
D. Page, SE-30-1/ORO
G. Drexel, BJC/PORTS
Administrative Records

Attachment B

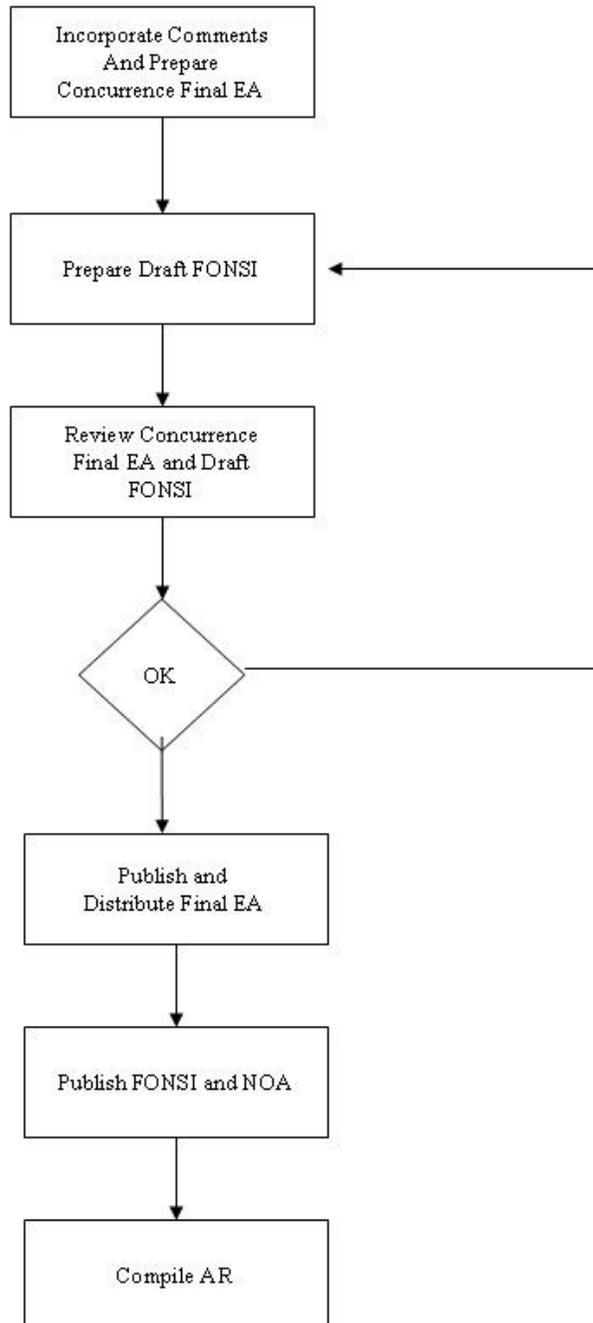
Figure 1



Continued From Page 1



Continued From Page 2



EMCBC RECORD OF REVISION**DOCUMENT**

If there are changes to the controlled document, the revision number increases by one. Indicate changes by one of the following:

- I Placing a vertical black line in the margin adjacent to sentence or paragraph that was revised.
- I Placing the words GENERAL REVISION at the beginning of the text.

Rev. No.	Description of Changes	Revision on Pages	Date
1	Initial Procedure	All	06/02/08