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EIS
DISTRIBUTION

June 2006

U.S. Department of Energy
Environment, Safety and Health
Office of NEPA Policy and Compliance





Department of Energy

Washington, DC 20585

June 15, 2006

MEMORANDUM TO: Secretarial Officers and Heads of Field Organizations

FROM:

C. Russell H. Shearer

A handwritten signature in black ink, appearing to read "C. Russell H. Shearer".

Acting Assistant Secretary for
Environment, Safety and Health

SUBJECT:

NEPA Guidance on EIS Distribution

I am pleased to provide the attached guidance, *EIS Distribution*, which my staff prepared with help from your National Environmental Policy Act (NEPA) Compliance Officers (NCOs) and in consultation with the Offices of the Assistant General Counsel for Environment and Congressional and Intergovernmental Affairs. We expect implementation of this guidance to improve the efficiency and effectiveness of distribution of an environmental impact statement (EIS), thereby allowing DOE to complete the NEPA process and implement its actions on schedule. Aspects of this guidance also will be helpful in the distribution of other DOE documents prepared under NEPA, such as notices of intent, records of decision, environmental assessments, findings of no significant impact, and supplement analyses.

This guidance presents a series of recommendations related to the EIS distribution process, which includes creating and updating a distribution list, distributing an EIS, and filing an EIS with the U.S. Environmental Protection Agency. The guidance recognizes DOE's responsibility to provide an EIS in a format useful to recipients and describes the use of electronic tools (e.g., compact disks and Web sites). The recommendations address both the substance and mechanics of the distribution process for draft, final, and supplemental EISs.

In preparing this guidance, we addressed comments that NCOs provided in coordination with your staffs on drafts that we circulated in October 2005 and April 2006. Also, we discussed the draft guidance during a *NEPA 35* Conference training session in November 2005 and the recent NCO meeting in May 2006. We are distributing the guidance to DOE's NEPA Community and have posted it on our DOE NEPA Web site at www.eh.doe.gov/nepa under Guidance.

Please promote this guidance to those in your organization who prepare or assist in preparing NEPA documents. Questions regarding *EIS Distribution* should be directed to Carolyn Osborne in the Office of NEPA Policy and Compliance at 202-586-4596 or carolyn.osborne@eh.doe.gov.

Attachment

cc: DOE NEPA Community



EIS DISTRIBUTION

June 2006

U.S. Department of Energy
Environment, Safety and Health
Office of NEPA Policy and Compliance



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EIS Distribution

Contents

1. Introduction.....	1
2. Creating and Updating a Distribution List.....	2
2.1 Who to Include on a Distribution List.....	3
2.2 What to Distribute	5
2.3 Publishing a Distribution List	7
3. Distributing an EIS	8
3.1 Content of a Distribution Letter	8
3.2 Concurrence and Signature on Distribution Letters	12
3.3 EIS Distribution Schedule and Methods	12
4. Filing an EIS with EPA.....	15
Attachment 1. Excerpts from Regulations and Guidance Related to EIS Distribution	1-1
Attachment 2. Timeline of EIS Preparation and Distribution Activities	2-1
Attachment 3. Templates for EIS Distribution-Related Communication.....	3-1

1. Introduction

This guidance contains recommendations for the efficient and effective distribution of a draft, final, or supplemental environmental impact statement (EIS) and does not constitute legal requirements. This guidance is for those who prepare EISs for the U.S. Department of Energy (DOE), particularly its National Environmental Policy Act (NEPA) Document Managers and NEPA Compliance Officers. Preparers should consider the circumstances of a particular EIS in applying this guidance.

EIS distribution is required under NEPA and its implementing regulations. (See Attachment 1.) Well-managed EIS distribution can improve DOE's relationship with its stakeholders, maximize the information supporting DOE's decisionmaking process, and allow DOE to complete an EIS and implement actions on schedule. As directed in the Council on Environmental Quality (CEQ) regulations implementing NEPA, "Federal agencies shall to the fullest extent possible . . . [e]ncourage and facilitate public involvement in decisions which affect the quality of the human environment" (40 CFR 1500.2). CEQ's regulations also state that "NEPA procedures must ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken" (40 CFR 1500.1(b)).

This guidance addresses the EIS distribution process in three phases:

- Creating and updating a distribution list (Section 2).
- Distributing an EIS (Section 3).
- Filing an EIS with the U.S. Environmental Protection Agency (EPA) (Section 4).

In addition, this guidance provides excerpts from regulations and other guidance concerning EIS distribution (Attachment 1), a timeline of EIS preparation and distribution activities (Attachment 2), and templates for EIS distribution-related communication (Attachment 3).

- Apply aspects of this guidance (e.g., on creating and updating a distribution list and on the concurrence process), as appropriate, to the distribution of other DOE documents prepared under NEPA, such as notices of intent, records of decision (RODs), environmental assessments, findings of no significant impact, and supplement analyses.
- Consult other DOE NEPA guidance, available on the DOE NEPA Web site at www.eh.doe.gov/nepa under Selected Guidance Tools, for topics related to document distribution. For example, consult the *Directory of Potential Stakeholders for DOE Actions under NEPA (Stakeholders Directory*, updated annually in July) when preparing a distribution list. (See Section 2.1.) Recommendations in *Effective Public Participation under the National Environmental Policy Act, Second Edition* (1998) may be helpful in identifying stakeholders to include on a distribution list and coordinating EIS distribution with other public participation activities. Because commentors on a draft EIS should always be included on a distribution list, *The EIS Comment-Response Process* (2004), which discusses tracking public comments, also may be helpful.

2. Creating and Updating a Distribution List

This section provides recommendations regarding the development and maintenance of a distribution list, focusing on identifying appropriate recipients and what documents they are to receive. An accurate and complete distribution list is essential to encouraging and facilitating public involvement in the EIS process.

- In this guidance, the term “distribution list” refers to the list of individuals and organizations that will receive a copy of the EIS (i.e., a list of “contacts”). Consider including in a distribution list the following information:
 - Contact information (e.g., name, organization, mailing address, e-mail address, fax number).
 - Requested EIS volumes (e.g., entire EIS, summary only, main body without appendices).
 - Preferred format (e.g., printed copy, compact disk (CD), access from a DOE Web site).
 - Other information that may be appropriate for a particular EIS (e.g., source for each name on the list, such as from registration at a scoping meeting, request to be placed on the list, or a Program or Site Office’s stakeholders list).
- Start to compile the distribution list in the early stages of a proposal and EIS planning, and update it throughout the EIS process. (See the timeline in Attachment 2.) Add, change, or remove contacts in accordance with, for example, stakeholder requests, change of address information received from the U.S. Postal Service, or response or lack of response to a DOE inquiry (e.g., via postcard or e-mail). Keep a record of any request to be removed from the list and any address from which a document was returned as undeliverable.
- Involve interested DOE Offices early in the development of a distribution list (e.g., Program Offices, Site Offices, Office of Congressional and Intergovernmental Affairs, Office of Public Affairs, Office of NEPA Policy and Compliance). (See discussion of an EIS communication plan in Section 3 for more on internal DOE coordination.)
- Check the accuracy and completeness of the distribution list before printing a draft or final EIS, so that it can be included in the document. (See 40 CFR 1502.10 and Section 2.3.) The distribution lists printed in a draft and final EIS are likely to be different (e.g., as a result of deleting those no longer interested in the EIS, adding those not included initially but who commented during the public comment period on the draft EIS). The distribution list for a draft EIS normally is not reprinted in the final EIS.
- Most often, maintain a distribution list in a spreadsheet or database, as these formats allow more flexibility for searching and sorting than a word processing file.

2.1 Who to Include on a Distribution List

- CEQ’s regulations (40 CFR 1502.19) require that an agency provide the entire EIS (with certain exceptions discussed in Section 2.2) to:
 - Any Federal agency with jurisdiction by law or special expertise with respect to any environmental impact involved and any appropriate Federal, state, or local agency authorized to develop and enforce environmental standards.
 - The applicant, if any.
 - Any person, organization, or agency requesting the entire EIS.
 - In the case of a final EIS, any person, organization, or agency that submitted substantive¹ comments on the draft.

In addition, CEQ’s regulations (40 CFR 1503.1) provide that comments on a draft EIS shall be obtained from:

- Any Federal agency with jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.

Also, comments shall be requested from:

- Appropriate state and local agencies authorized to develop and enforce environmental standards.
- Indian tribes, when the effects may be on a reservation.
- Any agency that has requested to receive EISs on actions of the kind proposed.
- The applicant, if any.
- The public, affirmatively soliciting comments from those persons or organizations who may be interested or affected.

DOE’s regulations (10 CFR 1021.301(a) and (c)) similarly require that “DOE make its NEPA documents available to other Federal agencies, states, local governments, American Indian tribes, interested groups, and the general public”

- In tailoring the contact information on the distribution list for a particular EIS, include:
 - Appropriate Members of Congress. Coordinate with the DOE Office of Congressional and Intergovernmental Affairs to identify Members, including any Member whose district would be affected by the proposed action and both the Chair and Ranking Minority Member of any Congressional committee with an interest in the proposed action.

¹ DOE defines a substantive comment as one that is relevant to the EIS scope, analysis, or process. (See *The EIS Comment-Response Process*, available on the DOE NEPA Web site.)

- Stakeholders from the *Directory of Potential Stakeholders for DOE Actions under NEPA*² with an interest in the proposed action. The *Stakeholders Directory* lists Federal agencies, state NEPA contacts (including state and local government associations), and national and regional nongovernmental organizations with a general interest in DOE programs.
 - Stakeholders from existing DOE lists (e.g., from related EISs, a Site Office’s public participation activities). When using these lists, inquire (e.g., via postcard) whether the person or organization would have an interest in the specific proposal.
 - Names collected during the NEPA process (e.g., commentors during scoping and on the draft EIS; names from meeting sign-in sheets; those who responded to advertisements and notices, submitted a request through an EIS-specific Web site, or signed a petition).
 - Names provided by cooperating agencies.
 - Appropriate local libraries and DOE reading rooms.
- Make a reasonable effort to ensure the accuracy of contact information, obtain missing information, and confirm an addressee’s continued interest in the EIS process. Information may be inaccurate or incomplete because, for example, handwritten information (e.g., on meeting sign-in sheets) may be difficult to read; contacts obtained via e-mail, postcard, or petition may not have complete U.S. Postal Service addresses; or contacts may move or change their preference regarding what parts of the EIS to receive. The latter may be more common if there is a long interval between the scoping period and distribution of a draft EIS or between a draft EIS and final EIS.
 - Consider using the following two-step process when soliciting e-mail addresses via an EIS-specific Web site or other means:
 - (1) A stakeholder would send an e-mail message to DOE via the EIS-specific e-mail address (e.g., subject-EIS@doe.gov).
 - (2) DOE would reply to the stakeholder, usually via an automated response system, with a message to which the stakeholder must reply affirmatively to confirm that the e-mail address is valid and that the addressee wants to be included on DOE’s distribution list. (This message from DOE also could provide EIS information, such as anticipated length and issue date, and ask for the stakeholder’s mailing address and preferences.)
 - For contacts who received a draft EIS but did not submit comments on it, send a postcard or e-mail message asking them to confirm their interest in receiving the final EIS.

² The *Stakeholders Directory*, posted on the DOE NEPA Web site, is available from the Office of NEPA Policy and Compliance on CD as a Microsoft Access database application that facilitates copying and pasting selected *Directory* listings into other applications (e.g., spreadsheet, word processor).

2.2 What to Distribute

- CEQ's regulations (40 CFR 1502.19) require that agencies distribute the entire draft and final EIS:
 - Except for certain appendices if they are readily available upon request, as provided in 40 CFR 1502.18(d).
 - Except for unchanged draft EISs, as provided in 40 CFR 1503.4(c). (If changes in response to comments on a draft EIS are minor and are confined to factual corrections or explanations why additional response is not warranted, "only the comments, the responses, and the changes and not the final statement need be circulated. The entire document with a new cover sheet shall be filed as the final statement."³ (See Section 4 regarding filing an EIS with EPA.))
 - Unless the EIS is unusually long, in which case the summary may be circulated instead⁴ (except that the entire EIS shall be given to those identified in 40 CFR 1502.19, also listed in Section 2.1, above).
- Three options, consistent with CEQ and EPA advice for what to distribute to contacts who have expressed no preference, are described below. The options involve trade-offs in timing, cost, and risk of schedule extension. (See footnote 4.) (The options also may be appropriate for contacts who have already expressed a preference, if, for example, there has been a long delay between the contacts' statements of preference and planned distribution of the EIS, or the length of the EIS is much greater than earlier anticipated.)

For Options 2 and 3 below, consult with the Office of NEPA Policy and Compliance when considering them and plan to monitor their implementation (e.g., track requests for printed copies of an entire EIS). Consistent with the intent of 40 CFR 1502.19 (footnote 4), it may be necessary to extend the comment period by 15 days for contacts who make a timely request for a printed copy of the entire EIS.

- Option 1: DOE's normal practice is to provide a printed copy of the entire EIS to satisfy the distribution requirement if preferences are unknown. A printed copy is the easiest format for most people to read, notwithstanding that it typically is the most costly for DOE to produce and distribute.
- Option 2: When the schedule allows, send contacts a postcard or e-mail message at least a month before EIS distribution (a) inquiring about their volume and format preferences, (b) confirming their addresses, and (c) stating what DOE will provide if DOE receives no

³ In this situation, DOE uses the term "Comment-Response Addendum" to refer to a document containing comments received on a draft EIS, DOE's responses to the comments, and an errata sheet listing changes to the draft EIS.

⁴ "If the agency circulates the summary and thereafter receives a timely request for the entire statement and for additional time to comment, the time for that requestor only shall be extended by at least 15 days beyond the minimum period" (40 CFR 1502.19).

reply. Provide enough information for contacts to make informed decisions about which volumes and format to receive (e.g., identify each volume, including its anticipated page length). (See Attachment 3.A for postcard template language, which can be adapted to an e-mail message.)

- In stating what DOE will send if the contact does not reply, options include (a) a printed copy of the entire EIS, (b) a printed copy of the summary and the entire EIS on CD, and (c) only notification when and where the EIS will be available (e.g., Web address, reading room or library locations) but not a printed copy of the EIS or a CD.
- Ensure adequate time for the postcard or e-mail to be delivered and responded to well in advance of EIS distribution so that printing decisions can be made appropriately.
- For a contact with a U.S. Postal Service address, provide a postage-paid postcard or envelope (e.g., using “Business Reply Mail”⁵). In addition to facilitating replies from contacts, this can be a low-cost way to verify addresses, as the U.S. Postal Service will return postcards with incorrect addresses and provide forwarding addresses for persons who have moved.⁶
- Option 3: Under certain circumstances, distribute a printed summary and the entire EIS on CD without inquiring about contacts’ preferences. When this option is used (e.g., when many stakeholders submit identical comments or the EIS is very large or has many appendices), make it very convenient for recipients to request and promptly obtain a printed copy of the entire EIS, in case, for example, recipients are unable to view the contents of the CD or find printing costs prohibitive. (See text box on DOE’s experience with the Yucca Mountain EIS.)
- When some information relied upon by an EIS is classified, for Official Use Only, or otherwise restricted (e.g., Unclassified Controlled Nuclear Information, export control information), and therefore is presented in a separate appendix, distribute that appendix only under appropriate conditions to appropriate stakeholders. For example, an appendix deemed for Official Use Only normally would be distributed only to government officials with a need for the information. A classified appendix would be distributed only in accordance with applicable security procedures.

Work with the cognizant Program and Site security offices whenever an EIS will rely on such restricted information and consult the applicable section of DOE’s NEPA regulations at 10 CFR 1021.340, as well as applicable DOE directives on protecting information (e.g., DOE Order 471.3, *Identifying and Protecting Official Use Only Information*, and the

⁵ Information on the use of Business Reply Mail, including design guidelines, is available on the U.S. Postal Service Web site at www.usps.com/replymail.

⁶ Address correction service is provided at no additional charge for first-class mail. Consult with the U.S. Postal Service for procedures and costs to use address correction service with bulk mail.

accompanying Guidance and Manual, DOE G 471.3 and DOE M 471.3). (See Sections 3.1 and 4 and Attachment 3 regarding how to address such information in EIS distribution and filing letters.)

The *Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (DOE/EIS-0250, February 2002) was approximately 5,000 pages, consisting of eight separately bound volumes, including appendices. DOE consulted with EPA on distribution procedures before circulating primarily printed summaries and CDs of the entire EIS (except a security-sensitive appendix). DOE told recipients how to request a printed copy of the entire document, including an option to call a toll-free telephone number, and waited an extra week beyond that required before filing the EIS with EPA. This allowed time for stakeholders who requested it to receive a printed copy of the entire EIS before EPA published a Notice of Availability. EPA agreed that these distribution procedures met the CEQ requirements. (See *Lessons Learned Quarterly Report*, March 2003, page 9, available on the DOE NEPA Web site at www.eh.doe.gov/nepa.) Very few of the nearly 5,000 contacts who received the summary and CD subsequently requested a printed copy of the entire EIS. Since 2002, DOE has distributed about 100 printed copies of the entire EIS in response to requests from interested stakeholders.

2.3 Publishing a Distribution List

CEQ's regulations state that agencies should include in an EIS a "List of agencies, organizations, and persons to whom copies of the statement are sent" (40 CFR 1502.10(i)).

- In the EIS, include the names of contacts from the distribution list and arrange them in groups (e.g., Members of Congress, including Committee Chairs and Ranking Minority Members; Federal, state, tribal, and local government officials; nongovernmental organizations; businesses; and members of the general public). Within each stakeholder group, order names alphabetically to facilitate finding specific contacts. Alphabetize names of individuals who represent organizations (or agencies, businesses, etc.) by the organization's name. For individuals who identify an affiliation with an organization but are representing themselves, alphabetize by the individual's name.
- Do not indicate the party affiliation of Members of Congress. List Congressional staff under the name of their Member, with appropriate Washington, DC, or district office addresses.
- List only the names of individual contacts; do not provide addresses to respect the privacy of members of the general public.
- Include the e-mail address of any contact for which it is the only information known (i.e., the stakeholder's name is not known).

3. Distributing an EIS

- Distributing an EIS includes the steps below, as also shown in the timeline in Attachment 2.
 - Coordinating EIS distribution with any communication plan associated with the EIS or the proposal.

Consult with Congressional and Intergovernmental Affairs and Public Affairs staff early (perhaps when consulting on the EIS distribution list itself) about schedules and for assistance in preparing a communication plan, which can aid coordination during issuance of an EIS. (See text box.). Such plans help coordinate the review of a distribution list, distribution of an EIS, notification of the media, issuance of a press release, and other aspects of stakeholder outreach and media activities.
 - Writing, coordinating, producing, and signing the EIS distribution letters and assembling EIS distribution packages (e.g., letters and enclosures).
 - Distributing the EIS to Congressional offices before distributing the EIS to the general public (so that Members can more effectively prepare to address any related issues that subsequently may be raised by constituents). Also expedite distribution to others (e.g., governors, tribal leaders) on the advice of the Office of Congressional and Intergovernmental Affairs or Public Affairs.
 - Distributing the EIS to all those on the distribution list before filing it with EPA. It is not necessary to confirm receipt of the EIS by those on the distribution list.
- The requirements for EIS distribution apply equally to a supplemental EIS, unless CEQ has approved alternative procedures (40 CFR 1502.9(c)).

The subsections below address the contents of a distribution letter, concurrence and signature on the letter, and distribution schedule and methods for the EIS.

3.1 Content of a Distribution Letter

- A “distribution letter” is a cover letter that accompanies an EIS that is provided to a person or organization on the EIS distribution list. (In contrast, a “filing letter” accompanies an EIS being filed with EPA; see Section 4 and Attachment 3.G.) Attachment 3 contains a table indicating how to address distribution letters to various contacts and the corresponding DOE signatory (3.B), letter templates (3.C), and sample concluding paragraphs appropriate for each DOE signatory (3.D).

EIS Communication Plan

The purpose of an EIS Communication Plan is to identify the messages to be communicated and the audiences to be addressed, to coordinate the schedule, timing, and individuals responsible for release of the EIS documents and specific notifications, and to inform cognizant Departmental elements on:

- Key issues addressed, as well as any decisions proposed or any sensitivities raised in the subject EIS document.
- The sequence and methods of EIS distribution.
- Individuals and organizations to receive the EIS.
- Notifications to interested congressional, state, and tribal officials and key stakeholders.
- Press releases and/or other means to inform stakeholders of EIS availability and, for a draft EIS, the opportunity to comment.

The NEPA Document Manager prepares the EIS Communication Plan:

- In close coordination with Congressional and Intergovernmental Affairs and Public Affairs staff and cognizant Headquarters and Site Office staff, including the NEPA Compliance Officer(s).
- 2–4 weeks before EIS distribution with updates, as needed.

An EIS Communication Plan addresses five key questions. The Plan should be specific to an EIS and concise (generally no more than 5 pages plus attachments).

- **WHAT** is being announced?
Include, as applicable, a draft press release, talking points, questions and answers, a one-page EIS summary (including any preferred alternative, programs and sites involved, significant impacts and mitigation, and areas of controversy).
- **WHO** makes the announcement **TO WHOM**?
Identify the audiences (e.g., elected and other government officials, interest groups, news media, general public) and the appropriate messenger for each.
- **WHERE** will the announcement be made?
Identify each applicable Headquarters and Site Office.
- **WHEN** will the announcement be made?
Identify date(s) and time sequence, including due dates and persons responsible for critical steps.
- **HOW** will the announcement be made?
Specify the means that will be used (meetings, telephone calls, delivery by hand, e-mail notification) to distribute which products to which audiences and by whom.

- Prepare a model distribution letter for each category of contacts for an EIS to facilitate concurrences and production of individual letters.
 - Tailor each distribution letter to the addressee and the enclosures (e.g., a letter to a governor with the entire EIS enclosed is different from a letter to a member of the public who requested only the summary or who asked to be notified when the EIS is available on the Web). All distribution letters contain common elements outlined in the text box “Common Elements of an EIS Distribution Letter.”
 - First, prepare distribution letters to Members of Congress, governors, and tribal leaders. Letters to others on the distribution list are based on these.
 - Print distribution letters on the letterhead, and in the preferred font and format, of the DOE signatory.
- Indicate whether any EIS appendix is not being distributed because it contains information that is classified, for Official Use Only, or otherwise restricted. As appropriate, identify the topics addressed in such an appendix and describe how a copy of the appendix may be obtained.
- Use these tips for addresses and salutations. (Attachment 3.B shows formats normally used for addresses and salutations.)
 - For Congress, use the full name for a Committee of Congress rather than the common, shortened name (e.g., use The Committee on Energy and Commerce, rather than Energy and Commerce Committee). Obtain a complete and current list of relevant committees from the DOE Office of Congressional and Intergovernmental Affairs. Congressional office buildings normally are not specified in letters addressed to Members of Congress. Use names that agree with the individual’s preferred form.
 - For members of a Governor’s cabinet and state agency officials, check with the Office of Congressional and Intergovernmental Affairs or the relevant DOE Site Office for the appropriate address and salutation.
 - For Federal agencies, including EPA and other agency regional offices, address the letter to the responsible individual, not to the agency or office.
- Specify the number and nature of enclosures at the bottom of a distribution letter.

Common Elements of an EIS Distribution Letter

- EIS title and document number.
- Identification of cooperating agencies, if any.
- Brief description of the proposed action and alternatives. Identify the preferred alternative(s) consistent with the CEQ requirement (40 CFR 1502.14(e)) that a preferred alternative(s) must be identified in the draft EIS if one or more exists and must be identified in the final EIS “unless another law prohibits the expression of such a preference.”
- Description of activities
 - For a draft EIS, instructions and deadlines for submitting comments and a brief description of the process to complete the EIS, including hearings and next steps, if known.
 - For a final EIS, a description of the activities completed during the public comment period on the draft EIS, a statement that DOE considered all comments on the draft EIS in preparing the final EIS, identification of any major changes between the draft and final EIS (or if a Comment-Response Addendum has been prepared to comply with 40 CFR 1503.4(c), a statement that the comments required only minor changes), and timing for a record of decision.
- DOE contact information (e.g., name, address, toll-free telephone number, fax number, EIS-specific e-mail address).
- As appropriate, information on how to obtain volumes of the EIS that may not be enclosed (e.g., a distribution letter that accompanies only the EIS summary should identify the content and length of each volume in the entire EIS and indicate how to request a copy).
- Web addresses where the EIS is posted (DOE NEPA Web site – *www.eh.doe.gov/nepa* – and, if available, the EIS-specific Web site or Program or Site Office Web site).
- Location and operating hours of reading rooms and libraries where the EIS is available.
- In a letter distributing a draft EIS, indicate that a commentor may request to have his/her name and address withheld from public review.

(See Attachment 3.C for letter templates incorporating these elements.)

3.2 Concurrence and Signature on Distribution Letters⁷

- Involve all interested DOE Offices early in the review of the distribution list and content of distribution letters. Coordinate with and obtain the concurrence of the
 - involved Program Office(s).
 - involved Site Office(s).
 - Office of NEPA Policy and Compliance.
 - Office of Congressional and Intergovernmental Affairs.
 - Offices of General Counsel and Public Affairs, as appropriate.
- Concurrence by the Office of Congressional and Intergovernmental Affairs is required on letters transmitting an EIS to key government officials (e.g., Members of Congress, governors, heads of tribes and Indian tribal associations). A workable approach is to incorporate comments from Congressional and Intergovernmental Affairs staff review of a draft distribution letter, then obtain the concurrence of the Office of NEPA Policy and Compliance and, if appropriate, Office of General Counsel staff, and then return the letter to the Office of Congressional and Intergovernmental Affairs for concurrence. (This process can occur simultaneously with, and separately from, the approval of the EIS, which does not require concurrence by the Office of Congressional and Intergovernmental Affairs.)
- Refer to Attachment 3.B to identify the appropriate DOE signatory for distribution letters to stakeholder groups (e.g., the Director, Office of NEPA Policy and Compliance, signs letters to other Federal agency NEPA or environmental officials, as appropriate).
- Coordinate press releases with those Offices with which EIS distribution letters were coordinated. Allow two weeks to obtain Congressional and Intergovernmental Affairs and Public Affairs concurrence on the text of a press release. These Offices will inform, and may consult, the Office of the Secretary, as appropriate.

3.3 EIS Distribution Schedule and Methods

- EIS distribution is complete only when all EIS copies have been transmitted, that is, hand-delivered to the recipient or to the Post Office or other delivery service, or, in response to stakeholder request, a notice of Web availability of the EIS is sent via e-mail. (If relying on Web availability of the EIS to meet some distribution requirements, ensure that the EIS actually is available on the Web site before the e-mail is sent.)
- Notify Congressional and Intergovernmental Affairs and Public Affairs staff at least three working days before beginning EIS distribution (e.g., after an EIS is approved and while it is

⁷ The process described in this section will vary for EISs approved by the Administrator, National Nuclear Security Administration, or where approval authority has been delegated pursuant to DOE Order 451.1B, *National Environmental Policy Act Compliance Program*.

being printed). This notification provides time for these offices to alert interested officials (e.g., Members of Congress, governors, heads of tribes and Indian tribal associations) and coordinate media activities. (See 72-Hour Prior Notification Form in Attachment 3.F.)

- Hand deliver EISs to Members of Congress before or at the same time as other EISs are delivered to the Post Office or other delivery service and before e-mail notifications are sent. Congressional and Intergovernmental Affairs staff may help with Congressional distribution. Also, consult with Congressional and Intergovernmental Affairs staff on whether to expedite delivery to others, including state, local, or tribal government officials.
- Distribute an EIS by a combination of methods tailored to the distribution list, comparing costs and schedule needs to identify the delivery option most appropriate for particular circumstances. Costs typically are higher for faster delivery.
 - When using the U.S. Postal Service, realize that first-class mail to government agencies in Washington, DC (zip codes beginning 202–205), is irradiated as a security measure. This delays delivery and may damage a CD. Priority and Express Mail shipments (other than to the White House) are not irradiated (as of May 2006).
 - Use a private delivery service if warranted by schedule.
 - In notices sent via e-mail, include the Web address to access documents, rather than attaching documents to the e-mail. This provides the recipient flexibility about when and how to access files. Even the summary of an EIS may be too large a file to be accepted by some e-mail boxes, and a person using a dial-up connection to the Internet may find the file cumbersome to receive.
 - Consider using text-only e-mail messages. These transmit faster and are viewable through a wider choice of software than e-mail messages formatted to display graphics.
 - When sending bulk e-mail, respect the privacy of recipients by including their e-mail addresses in a blind carbon copy (bcc) list.
 - If possible, avoid distributing an EIS on a Friday, when some Congressional or other offices may not be fully staffed and the deadline for coverage by some media outlets (e.g., trade publications) may have passed for the week.
- For DOE reading rooms and local libraries:
 - Deliver copies as part of the public distribution before filing an EIS with EPA.
 - Prepare a brief memorandum to the reading room administrator or librarian. (See Attachment 3.E.)
 - Identify the EIS.
 - Name a DOE contact person.

- State how long to keep the EIS publicly available (usually indicate a date after the expected issuance of a record of decision).
 - Attach the EIS distribution letter prepared for the general public, particularly if the letter contains public participation information, such as the schedule for public hearings or commenting instructions for a draft EIS.
- DOE Order 451.1B, *National Environmental Policy Act Compliance Program* (paragraph 5.d(11)), requires that the NEPA Compliance Officer promptly provide three printed copies⁸ and one set of electronic files of each approved EIS to the DOE Office of NEPA Policy and Compliance. These should be provided as soon as they become available, and certainly before the EIS is filed with EPA. (See Section 4.)
 - Submit a DOE NEPA Document Certification and Transmittal Form (available on the DOE NEPA Web site at www.eh.doe.gov) with copies of each EIS.
 - Printed copies are maintained by the DOE Office of NEPA Policy and Compliance for staff use and inclusion in the archive of DOE NEPA documents. The electronic files are published on the DOE NEPA Web site at www.eh.doe.gov/nepa.
 - Contact the Office of NEPA Policy and Compliance at AskNEPA@eh.doe.gov or 202-586-4600 for the current address(es) to use for submitting copies and other pertinent information.
 - At the same time as EIS distribution, or as soon as possible thereafter, provide notice of the dates, times, and locations of public hearings on a draft EIS, along with contact information and the address of any EIS-specific Web site, to
 - the Office of Congressional and Intergovernmental Affairs for the calendar of DOE-Sponsored Public Meetings and Workshops on the DOE Web site (www.energy.gov under Events),
 - the Office of NEPA Policy and Compliance for the NEPA Public Participation Calendar on the DOE NEPA Web site (www.eh.doe.gov/nepa), and
 - those responsible for updating appropriate Program and Site Office Web sites.
 - When determining how many copies of the EIS to print and how many CDs to produce, consider the potential for stakeholders to request the EIS long after issuance of the ROD. Such requests might be made for any EIS but are most common for a programmatic EIS from which other EISs are tiered, a site-wide EIS addressing operations over several years, and an EIS that leads to multiple RODs.

⁸ The required number of printed copies was changed from five to three in 2001. See *Lessons Learned Quarterly Report*, March 2001, page 5.

4. Filing an EIS with EPA

- Federal agencies must file a draft, final, or supplemental EIS with EPA headquarters in Washington, DC, after distribution is complete. (See 40 CFR 1506.9.) This responsibility also applies to another agency's EIS adopted by DOE, as specified at 40 CFR 1506.3. When more than one agency is involved in preparing an EIS, the lead agency files the EIS with EPA.
- Each Friday (or Thursday, if Friday is a Federal holiday), EPA publishes in the *Federal Register* a listing of all EISs filed the previous week. For example, the Notice of Availability (NOA) for an EIS filed with EPA anytime during the first week of a month would appear in the *Federal Register* on the second Friday of that month. Publication of EPA's NOA of an EIS in the *Federal Register* marks the official beginning of the minimum 45-day public comment period on a draft EIS or the 30-day waiting period between availability of a final EIS and issuance of a ROD.
- Filing an EIS with EPA requires a letter certifying that DOE has completed distribution and five paper copies of the entire EIS, including appendices.⁹
 - The filing letter should contain the information that EPA includes in its NOA, including whether the document is a draft, final, or supplemental EIS; name of the agency filing the EIS with EPA; state and county of the action that prompted the EIS; the EIS title; date comments are due; agency contact; and Web site where the EIS is available, if any. (See Attachment 3.G for templates for EPA filing letters.)
 - The EIS must be reasonably expected to have been received by interested parties before the beginning of the public comment period on the draft EIS or the waiting period between availability of the final EIS and issuance of a ROD. (This requirement is met when an agency transmits all EIS copies as described in Section 3.3, above.) If the EIS has not been made available to commenting agencies and the public before EPA's NOA, EPA will rescind the notice and publish a new NOA after the distribution is complete.
 - EPA checks the EIS for completeness and compliance with the format for an EIS recommended by CEQ (40 CFR 1502.10). If the EIS is not complete, EPA will contact the lead agency to obtain the omitted information or to resolve any problems before EPA publishes an NOA of the EIS.
 - The filing does not include material that is incorporated by reference into an EIS nor any classified or Official Use Only appendix. (EPA may request a copy of classified or Official Use Only material for review, as appropriate.)

⁹ Instructions for filing an EIS with EPA, including the EPA Filing System Guidance, are available in the DOE NEPA Compliance Guide (Volume 1, Part 5-3) available on the DOE NEPA Web site at www.eh.doe.gov/nepa and on EPA's Web site at www.epa.gov/compliance/nepa under Submitting EISs.

- Filing an EIS with EPA headquarters is distinct from distributing the EIS to regional EPA offices for the purpose of reviewing the EIS; the latter should occur concurrently with EIS distribution to the public.
 - If comments required only minor changes and a Comment-Response Addendum has been prepared to comply with 40 CFR 1503.4(c), file the Addendum together with the draft EIS as the final EIS.
- The DOE Office of NEPA Policy and Compliance is responsible for filing DOE EISs with EPA. (See DOE O 451.1B, paragraph 5.g(7).) The DOE Office preparing the EIS writes and produces the EPA filing letter, in coordination with the NEPA Office. The Director of the NEPA Office signs the filing letter. To complete the filing, the preparing office hand carries the documents to EPA or delivers them via the U.S. Postal Service or other means. EPA will provide a document stating that it has received the EIS for filing and the expected EPA *Federal Register* NOA publication date.
 - DOE may publish its own NOA of an EIS in the *Federal Register*, in addition to the notice published by EPA. Doing so provides the Department a timely opportunity to describe the context of an EIS, solicit public participation in its review, and provide additional information that may not have been provided in the distribution letter (e.g., date, time, and place of hearings on a draft EIS). Doing so does not affect the time periods established by the EPA NOA.
 - Such an NOA normally would be issued by the DOE Office preparing the EIS.
 - Coordinate preparation of a DOE NOA with the DOE Office of NEPA Policy and Compliance.
 - Aim to publish any DOE NOA on the same day as the NOA published by EPA. DOE’s notice, however, may be published later (e.g., to provide hearing details that were not available when EPA’s NOA was published).

Attachment 1. Excerpts from Regulations and Guidance Related to EIS Distribution

Sections of CEQ regulations and guidance and DOE regulations and directives relevant to EIS distribution are reproduced below. The complete regulations and guidance are available on the DOE NEPA Web site (www.eh.doe.gov/nepa).

A. Excerpt from the National Environmental Policy Act

Following is an excerpt from Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 USC 4332).

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code [i.e., the Freedom of Information Act], and shall accompany the proposal through the existing agency review process;

B. Excerpts from CEQ Regulations and Guidance

Following are excerpts from the CEQ “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” (40 CFR Parts 1500-1508).

Part 1500—PURPOSE, POLICY, AND MANDATE

Section 1500.1 Purpose.

...

- (b) NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. . . .

...

Section 1500.2 Policy.

Federal agencies shall to the fullest extent possible:

...

- (d) Encourage and facilitate public involvement in decisions which affect the quality of the human environment.

...

Part 1502—ENVIRONMENTAL IMPACT STATEMENT

Section 1502.9 Draft, final, and supplemental statements.

...

- (c) Agencies:

...

- (4) Shall prepare, circulate, and file a supplement to a statement in the same fashion (exclusive of scoping) as a draft and final statement unless alternative procedures are approved by the Council.

Section 1502.10 Recommended format.

Agencies shall use a format for environmental impact statements which will encourage good analysis and clear presentation of the alternatives including the proposed action. The following standard format for environmental impact statements should be followed unless the agency determines that there is a compelling reason to do otherwise:

...

- (i) List of Agencies, Organizations, and persons to whom copies of the statement are sent.

...

Section 1502.18 Appendix.

If an agency prepares an appendix to an environmental impact statement the appendix shall:

...

- (d) Be circulated with the environmental impact statement or be readily available on request.

Attachment 1

Section 1502.19 Circulation of the environmental impact statement.

Agencies shall circulate the entire draft and final environmental impact statements except for certain appendices as provided in Sec. 1502.18(d) and unchanged statements as provided in Sec. 1503.4(c). However, if the statement is unusually long, the agency may circulate the summary instead, except that the entire statement shall be furnished to:

- (a) Any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved and any appropriate Federal, State or local agency authorized to develop and enforce environmental standards.
- (b) The applicant, if any.
- (c) Any person, organization, or agency requesting the entire environmental impact statement.
- (d) In the case of a final environmental impact statement any person, organization, or agency which submitted substantive comments on the draft.

If the agency circulates the summary and thereafter receives a timely request for the entire statement and for additional time to comment, the time for that requestor only shall be extended by at least 15 days beyond the minimum period.

Part 1503—COMMENTING

Section 1503.1 Inviting comments.

- (a) After preparing a draft environmental impact statement and before preparing a final environmental impact statement the agency shall:
 - (1) Obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.
 - (2) Request the comments of:
 - (i) Appropriate State and local agencies which are authorized to develop and enforce environmental standards;
 - (ii) Indian tribes, when the effects may be on a reservation; and
 - (iii) Any agency which has requested that it receive statements on actions of the kind proposed.

Office of Management and Budget Circular A-95 (Revised), through its system of clearinghouses, provides a means of securing the views of State and local environmental agencies. The clearinghouses may be used, by mutual agreement of the lead agency and the clearinghouse, for securing State and local reviews of the draft environmental impact statements.

- (3) Request comments from the applicant, if any.
- (4) Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected.

...

Section 1503.4 Response to comments.

...

- (c) If changes in response to comments are minor and are confined to the responses described in paragraphs (a)(4) and (5) of this section, agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. In such cases only the comments, the responses, and the changes and not the final statement need be circulated (Sec. 1502.19). The entire document with a new cover sheet shall be filed as the final statement (Sec. 1506.9).

Part 1506—OTHER REQUIREMENTS OF NEPA

Section 1506.3 Adoption.

...

- (b) If the actions covered by the original environmental impact statement and the proposed action are substantially the same, the agency adopting another agency's statement is not required to recirculate it except as a final statement. Otherwise the adopting agency shall treat the statement as a draft and recirculate it (except as provided in paragraph (c) of this section).
- (c) A cooperating agency may adopt without recirculating the environmental impact statement of a lead agency when, after an independent review of the statement, the cooperating agency concludes that its comments and suggestions have been satisfied.

...

Section 1506.6 Public involvement.

Agencies shall:

...

- (b) Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.
- (1) In all cases the agency shall mail notice to those who have requested it on an individual action.
 - (2) In the case of an action with effects of national concern notice shall include publication in the Federal Register and notice by mail to national organizations reasonably expected to be interested in the matter and may include listing in the 102 Monitor. An agency engaged in rulemaking may provide notice by mail to national organizations who have requested that notice regularly be provided. Agencies shall maintain a list of such organizations.
 - (3) In the case of an action with effects primarily of local concern the notice may include:
 - (i) Notice to State and areawide clearinghouses pursuant to OMB Circular A- 95 (Revised).
 - (ii) Notice to Indian tribes when effects may occur on reservations.
 - (iii) Following the affected State's public notice procedures for comparable actions.
 - (iv) Publication in local newspapers (in papers of general circulation rather than legal papers).
 - (v) Notice through other local media.
 - (vi) Notice to potentially interested community organizations including small business associations.
 - (vii) Publication in newsletters that may be expected to reach potentially interested persons.
 - (viii) Direct mailing to owners and occupants of nearby or affected property.
 - (ix) Posting of notice on and off site in the area where the action is to be located.

...

- (f) Make environmental impact statements, the comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552), without regard to the exclusion for interagency memoranda where such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action. Materials to be made available to the public shall be provided to the public without charge to the extent practicable, or at a fee which is not more than the actual costs of reproducing copies required to be sent to other Federal agencies, including the Council.

Section 1506.9 Filing requirements.

- (a) Environmental impact statements together with comments and responses shall be filed with the Environmental Protection Agency, attention Office of Federal Activities, EIS Filing Section, Ariel Rios Building (South Oval Lobby), Mail Code 2252-A, Room 7220, 1200 Pennsylvania Ave., NW., Washington, DC 20460. This address is for deliveries by US Postal Service (including USPS Express Mail).
- (b) For deliveries in-person or by commercial express mail services, including Federal Express or UPS, the correct address is: US Environmental Protection Agency, Office of Federal Activities, EIS Filing Section, Ariel Rios Building (South Oval Lobby), Room 7220, 1200 Pennsylvania Avenue, NW., Washington, DC 20004.
- (c) Statements shall be filed with the EPA no earlier than they are also transmitted to commenting agencies and made available to the public. EPA shall deliver one copy of each statement to the Council, which shall satisfy the requirement of availability to the President. EPA may issue guidelines to agencies to implement its responsibilities under this section and Sec. 1506.10.

Section 1506.10 Timing of agency action.

- (a) The Environmental Protection Agency shall publish a notice in the Federal Register each week of the environmental impact statements filed during the preceding week. The minimum time periods set forth in this section shall be calculated from the date of publication of this notice.

...

Following is an excerpt from “Forty Most Asked Questions Concerning CEQ’s NEPA Regulations,” as amended, 51 FR 15618, April 25, 1986

28. Advance or Xerox Copies of EIS. May an agency file xerox copies of an EIS with EPA pending the completion of printing the document?

A. Xerox copies of an EIS may be filed with EPA prior to printing only if the xerox copies are simultaneously made available to other agencies and the public. Section 1506.9 of the regulations, which governs EIS filing, specifically requires Federal agencies to file EISs with

EPA no earlier than the EIS is distributed to the public. However, this section does not prohibit xeroxing as a form of reproduction and distribution. When an agency chooses xeroxing as the reproduction method, the EIS must be clear and legible to permit ease of reading and ultimate microfiling of the EIS. Where color graphs are important to the EIS, they should be reproduced and circulated with the xeroxed copy.

C. Excerpts from DOE NEPA Regulations and Directives

Following are excerpts from “DOE NEPA Implementing Procedures” (10 CFR Part 1021).

Section 301 Agency review and public participation.

- (a) DOE shall make its NEPA documents available to other Federal agencies, states, local governments, American Indian tribes, interested groups, and the general public, in accordance with 40 CFR 1506.6, except as provided in § 1021.340 of this part.
- ...

Section 310 Environmental impact statements.

DOE shall prepare and circulate EISs and related RODs in accordance with the requirements of the CEQ Regulations, as supplemented by this subpart. DOE shall include in draft and final EISs a disclosure statement executed by any contractor (or subcontractor) under contract with DOE to prepare the EIS document, in accordance with 40 CFR 1506.5(c).

Section 313 Public review of environmental impact statements.

- ...
- (d) DOE shall use appropriate means to publicize the availability of draft and final EISs and the time and place for public hearings on a draft EIS. The methods chosen should focus on reaching persons who may be interested in or affected by the proposal and may include the methods listed in 40 CFR 1506.6(b)(3).

Section 314 Supplemental environmental impact statements.

- ...
- (d) DOE shall prepare, circulate, and file a supplement to a draft or final EIS in the same manner as any other draft and final EISs, except that scoping is optional for a supplement. If DOE decides to take action on a proposal covered by a supplemental EIS, DOE shall prepare a ROD in accordance with the provisions of §1021.315 of this part.
- ...

Section 340 Classified, confidential, and otherwise exempt information.

- (a) Notwithstanding other sections of this part, DOE shall not disclose classified, confidential, or other information that DOE otherwise would not disclose pursuant to the Freedom of Information Act (FOIA) (5 U.S.C. 552) and 10 CFR 1004.10(b) of DOE’s regulations implementing the FOIA, except as provided by 40 CFR 1506.6(f).
- (b) To the fullest extent possible, DOE shall segregate any information that is exempt from disclosure requirements into an appendix to allow public review of the remainder of a NEPA document.
- (c) If exempt information cannot be segregated, or if segregation would leave essentially meaningless material, DOE shall withhold the entire NEPA document from the public; however, DOE shall prepare the NEPA document, in accordance with the CEQ Regulations and this part, and use it in DOE decisionmaking.

Following are excerpts from DOE Order 451.1B, National Environmental Policy Act Compliance Program.

5. RESPONSIBILITIES.

...

d. A NEPA Compliance Officer shall:

...

- (11) Provide the Office of NEPA Policy and Compliance promptly – generally, within two weeks of their availability – five copies and one electronic file of:

...

- (d) An approved draft or final environmental impact statement.

...

e. A NEPA Document Manager shall, for the environmental impact statement or environmental assessment being prepared:

...

- (4) Manage the document preparation process, including reviewing internal drafts for technical adequacy, controlling cost, and maintaining schedule.
- (5) Encourage and facilitate public participation through the NEPA process.

...

...


g. The Director, Office of NEPA Policy and Compliance, shall:

...

- (7) File approved draft, final, and supplemental environmental impact statements with the Environmental Protection Agency, pursuant to the Regulations.

...

Attachment 2. Timeline of EIS Preparation and Distribution Activities*

	<p>Begin EIS Planning</p> <ul style="list-style-type: none"> • Work with involved DOE offices • Begin developing a distribution list from existing stakeholder lists • As a good practice, obtain toll-free telephone and fax numbers and EIS-specific e-mail address 		
0 months	<p>Issue Notice of Intent and Begin Scoping Period (minimum 30 days)</p> <ul style="list-style-type: none"> • Provide opportunity to be added to the distribution list in mailings and announcements of scoping period • At scoping meeting(s), collect additional names for the distribution list • Solicit preferences for EIS volumes and format 		
1 month	<p>End Scoping Period</p>		
7 months	<p>Circulate Draft EIS for DOE Approval</p> <ul style="list-style-type: none"> • Coordinate with the Offices of Congressional and Intergovernmental Affairs and Public Affairs (CI and PA) (e.g., on communication plan) • Quality control the distribution list for printing in draft EIS (can use postcards and e-mail to confirm contact information and preferences) • Prepare distribution and filing letters and obtain concurrences <p>Issue Draft EIS</p> <ul style="list-style-type: none"> • Produce and sign distribution letters • Distribute draft EIS, first to Congress, then other stakeholders (expediting delivery, as appropriate) • File draft EIS with EPA 		<p>Throughout Process</p> <ul style="list-style-type: none"> • Revise the distribution list to keep it accurate and current
9 months	<p>EPA Publishes Notice of Availability (NOA) of Draft EIS</p> <ul style="list-style-type: none"> • DOE may publish its own NOA, usually on the same day as EPA's <p>Begin Public Comment Period on Draft EIS (minimum 45 days)</p> <ul style="list-style-type: none"> • Revise the distribution list to add commentors 		
11 months	<p>End Public Comment Period</p>		
14 months	<p>Circulate Final EIS for DOE Approval</p> <ul style="list-style-type: none"> • Coordinate with CI and PA (e.g., on communication plan) • Quality control the distribution list for printing in final EIS (can use postcards and e-mail to confirm contact information and preferences) • Prepare distribution and filing letters and obtain concurrences <p>Issue Final EIS</p> <ul style="list-style-type: none"> • Produce and sign distribution letters • Distribute final EIS, first to Congress, then other stakeholders (expediting delivery, as appropriate) • File final EIS with EPA 		
15 months	<p>EPA Publishes NOA of Final EIS</p> <ul style="list-style-type: none"> • DOE may publish its own NOA, usually on the same day as EPA's <p>Issue Record of Decision (minimum 30 days after NOA)</p> <ul style="list-style-type: none"> • Distribute the Record of Decision to those who requested a copy and, as a good practice, to those who received the final EIS 		

* Based on sample 15-month schedule.

Attachment 3. Templates for EIS Distribution-Related Communication

Contents

A. Postcard Templates for EIS Distribution List	3-2
B. Signatories, Addresses, and Salutations for EIS Distribution Letters	3-4
C. Templates for EIS Distribution Letters.....	3-5
1. Template for Draft EIS Distribution Letter	3-5
2. Template for Final EIS Distribution Letter.....	3-6
D. Commonly Used Concluding Paragraphs for EIS Distribution Letters.....	3-7
E. Template for Memorandum to Reading Room or Library.....	3-8
F. DOE 72-Hour Prior Notification Form.....	3-9
G. Templates for EIS Filing Letters.....	3-13
1. Template for EPA Draft EIS Filing Letter	3-13
2. Template for EPA Final EIS Filing Letter	3-14

Attachment 3

A. Postcard Template for EIS Distribution List (Side A)

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. [permit number] [city, state]
POSTAGE WILL BE PAID BY ADDRESSEE

NO POSTAGE
NECESSARY IF
MAILED
IN THE
UNITED STATES

[DOE Address]



[Note: Business Reply Mail templates are available on the U.S. Postal Service Web site at www.usps.com/replymail.]



[EIS Title]

The Department of Energy (DOE) will soon issue the [EIS title (DOE/EIS-####)] for public comment. On the other side of this postcard you will find a list of several different ways we can provide the draft EIS to you. Please let us know your preference.

Information on public hearings and a complete listing of public reading rooms where the draft EIS will be available will be announced in local newspapers [include other forms of notification]. Also, the draft EIS will be available on the Internet at www.eh.doe.gov/nepa under DOE NEPA Documents [and URL of EIS-specific Web site, if available].

Please help us update our distribution information by using one of the methods listed below. **If you do not respond, we will** [state the action DOE will take: (a) send you a printed copy of the entire EIS, (b) send you a printed copy of the EIS Summary and the entire EIS on compact disk, or (c) notify you when and where the EIS will be available for review but will not send you a printed copy of the EIS or a compact disk].

This Postcard

1. Please check the materials you would like mailed to you.
2. Make any corrections to your address.
3. Fold on the dotted line so that this side is on the outside and tape shut.
4. Drop in the mail by [date]. You do not need to add a stamp.

E-Mail or Toll-Free Telephone

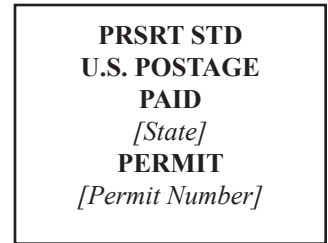
- Send an e-mail message to [EIS-specific e-mail address] or call [toll-free telephone number]. Please provide your name, address, and preferred volumes and format for the draft EIS. Also indicate any other information you need (e.g., reading room locations).

[Note: The text of this postcard can be adapted to an e-mail message for those contacts who prefer to be contacted via e-mail.]

A. Postcard Template for EIS Distribution List (Side B)

[DOE return address]

Address Service Requested



[Stakeholder name]

[Address]

Stakeholder: Fold here so that this side is on the inside and tape.

This postcard concerns the distribution of the [EIS title]. Please tell us your preference by selecting from the following:

- Printed copy of the summary and compact disk (CD) of the entire draft EIS
- Printed copy of the
 ___ entire draft EIS [anticipated number of pages]
 ___ [provide option for each individual volume, indicate anticipated number of pages for each]
- CD of the entire draft EIS
- Notification letter that provides the Web address for accessing the EIS online
 ___ by mail
 ___ by e-mail; please provide your e-mail address below
- None of the above but keep me on the mailing list for future announcements regarding this EIS
- Please remove my name from the mailing list for this EIS

If the address above is not correct, please print your correct address below.

Name _____

Organization _____

Street Address _____

City/State/Zip _____

E-mail address (for EIS-related information only) _____

Attachment 3

B. Signatories, Addresses, and Salutations for EIS Distribution Letters

	Addressee	Envelope and Inside Address	Salutation
<p style="text-align: center;">Letters Signed by the Assistant Secretary for Environment, Safety and Health (or Under Secretary, Deputy Secretary, or Secretary)</p>	United States Senator	The Honorable Jane Doe United States Senate Washington, DC 20510	Dear Senator Doe:
	United States Representative	The Honorable John Doe U.S. House of Representatives Washington, DC 20515	Dear Congressman Doe: [or Dear Congresswoman Doe:]
	Chairman, Committee of Congress	The Honorable Jane Doe Chairman Committee on Armed Services United States Senate Washington, DC 20510	Dear Madam Chairman: [or Dear Mr. Chairman:]
	Ranking Minority Member, Committee of Congress	The Honorable John Doe Ranking Minority Member Committee on Armed Services United States Senate Washington, DC 20510	Dear Senator Doe:
	Governor	The Honorable Jane Doe Governor of [State] [Capital, State Zip code]	Dear Governor Doe:
	Tribal Leaders, including Heads of Tribal Associations	Check with tribal point of contact listed in the <i>Stakeholders Directory</i>	
<p style="text-align: center;">Letters Signed by the Director, Office of NEPA Policy and Compliance</p>	Federal Agency Official, as appropriate	Mr. John Doe [Title] [Agency] [Address]	Dear Mr. Doe:
	National Nongovernmental Organizations	Ms. Jane Doe [Title] [Organization] [Address]	Dear Ms. Doe:
<p style="text-align: center;">Letters Signed by a Program Official (Program Secretarial Officer, Head of a Field Office, or NEPA Document Manager)</p>	Regional Federal Offices, including EPA Regional Offices	Mr. John Doe [Title] [Agency] [Address]	Dear Mr. Doe:
	Lieutenant Governor	The Honorable Jane Doe Lieutenant Governor of [State] [Address]	Dear Ms. Doe:
	State Senator	The Honorable John Doe The Senate of [State] [Address]	Dear Senator Doe:
	State Representative	The Honorable Jane Doe [State] House of Representatives [Address]	Dear Ms. Doe:
	Mayor of a City	The Honorable John Doe Mayor of [City] [Address]	Dear Mayor Doe:
	Other State, Tribal, and Local Government Offices	Check with a knowledgeable DOE Office	
	Trade Associations, Local and Regional Environmental Organizations, General Public	Ms. Jane Doe [Title] [Organization] [Address]	Dear Ms. Doe: or Dear Interested Party: or Dear Reader:

C. Templates for EIS Distribution Letters

Adapt the following templates to the circumstances of each particular EIS.

1. Template for Draft EIS Distribution Letter

[Name]

[Address]

Dear *[Name]*:

Enclosed for your review and comment is the Department of Energy's (DOE's) *[EIS title (DOE/EIS-#####)]*. *[If a printed copy of the entire EIS is not enclosed, identify the enclosed volumes and format and, in the concluding paragraph (see 3.D, page 3-7), indicate how other volumes and formats may be obtained. Also in letters to government officials, as appropriate, state that the EIS includes an appendix addressing topic #1, topic #2, etc., available for Official Use Only, which may be requested as described in the concluding paragraph, or a classified appendix addressing topic #1, topic #2, etc. For contacts receiving only notification of the availability of the EIS, begin this paragraph: The Department of Energy (DOE) has issued for public review and comment [EIS Title (DOE/EIS-#####)]. This document has been prepared in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations. [If applicable: Agency #1, Agency #2, etc. participated as cooperating agencies in the preparation of this EIS.]*

The proposed action is to *[state proposed action, including location(s) – use text from the EIS cover sheet]*. The potential environmental impacts of *[number]* alternatives, including no action, are analyzed. *[Name and give a one sentence description of each alternative.]* DOE's preferred alternative *[if known, specify; otherwise, state: will be identified in the Final EIS]*.

DOE invites interested parties to comment on this Draft EIS, as described below, during the *[xx-day (note: minimum 45-day)]* comment period that will begin when the Environmental Protection Agency publishes a Notice of Availability of this Draft EIS in the *Federal Register* *[if known: and continue through (specify end date)]*. During this public comment period, DOE will convene *[a or ##]* public hearing/s that will include a brief overview presentation on the Draft EIS, a question-and-answer session, and an opportunity for members of the public to provide oral and written comments for the record. *[Provide logistics for each hearing – date, time, facility, city (this could be in an enclosure) – or explain how this information will be provided at a later date.]*

To request a time to speak at the public hearings *[provide instructions]*. Other options for submitting comments on the Draft EIS are as follows *[include all that apply]*:

- Mail comments to: *[name, title (usually the NEPA Document Manager), full address, including mail stop]*.
[If applicable: Note that mail to DOE Headquarters is delayed by security screening.]
- Fax comments to: *[fax number]*
- E-mail comments to: *[EIS-specific e-mail address]*
- Comment via the toll-free telephone number: *[telephone number]*
- Comment over the Internet via the *[program or project]* Web site at *[URL]*.

DOE will consider and respond to all comments received during the comment period in preparation of the Final EIS. Comments postmarked after the close of the comment period will be considered to the extent practicable. DOE expects to issue the Final EIS in *[month year]* and will issue its Record of Decision no sooner than 30 days after the Environmental Protection Agency publishes its Notice of Availability of this Final EIS in the *Federal Register*.

Individual names and addresses (including e-mail addresses) received as part of comment documents on this Draft EIS normally are part of the public record. DOE plans to reproduce comment documents in their entirety in the Final EIS *[as appropriate: and to post all comment documents received in their entirety on the Web site for this EIS at the close of the public comment period]*. Any person wishing to have his/her name, address, or other identifying information withheld from the public record of comment documents must state this request prominently at the beginning of any comment document. DOE will honor the request to the extent allowable by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be included in the public record and open to public inspection in their entirety.

[Insert appropriate concluding paragraph from 3.D, page 3-7.]

Enclosure: *[List enclosures]*

C. Templates for EIS Distribution Letters (continued)

2. Template for Final EIS Distribution Letter

[Name]

[Address]

Dear [Name]:

Enclosed for your review is the Department of Energy's (DOE's) [EIS title (DOE/EIS-#####)]. [If a printed copy of the entire EIS is not enclosed, identify the enclosed volumes and format and, in the concluding paragraph (see 3.D, page 3-7), indicate how other volumes and formats may be obtained. Also in letters to government officials, as appropriate, state that the EIS includes an appendix addressing topic #1, topic #2, etc., available for Official Use Only, which may be requested as described in the concluding paragraph, or a classified appendix addressing topic #1, topic #2, etc. For contacts receiving only notification of the availability of the EIS, begin this paragraph: The Department of Energy (DOE) has issued for public review [EIS Title (DOE/EIS-#####)].] This document has been prepared in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations. [If applicable: Agency #1, Agency #2, etc. participated as cooperating agencies in the preparation of this EIS.]

The proposed action in the Final EIS is to [state proposed action, including location(s) – use text from the EIS cover sheet]. The potential environmental impacts of [number] alternatives, including no action, are analyzed. [Name and give a one sentence description of each alternative.] DOE's preferred alternative is to [Final EIS must identify DOE's preferred alternative, unless a law prohibits the expression of such a preference].

DOE issued the Draft EIS for public comment on [date of EPA's Notice of Availability]. The [xx-day] public comment period extended through [end date], with [number] public hearings held [state date or date range and location(s), if not numerous]. DOE has considered all comments received in preparing this EIS and incorporated both the comments and DOE's responses in the document. Major changes between the Draft and Final EIS include [briefly summarize]. [If only a Comment-Response Addendum was prepared, replace the preceding two sentences with: The nature of comments received required only minor text changes (factual corrections, clarifications) to the Draft EIS. Therefore, in accordance with 40 CFR 1503.4(c) of the Council on Environmental Quality NEPA regulations, DOE is circulating only the comments, the responses to these comments, and a list of the changes to the Draft EIS. This material is enclosed as the Comment-Response Addendum. The Comment-Response Addendum along with the previously issued Draft EIS will be filed with the U.S. Environmental Protection Agency (EPA) as the Final EIS.]

DOE will issue a Record of Decision for this Final EIS no sooner than 30 days after the Environmental Protection Agency publishes its Notice of Availability of this Final EIS in the *Federal Register*.

[Insert appropriate concluding paragraph from 3.D, page 3-7.]

Enclosure: [List enclosures]

D. Commonly Used Concluding Paragraphs for EIS Distribution Letters

<p style="text-align: center;">Letters Signed by the Assistant Secretary for Environment, Safety and Health</p>	<p>If you or your staff would like <i>[if appropriate: a copy of the Official Use Only appendix, or a classified briefing, or]</i> further information, please contact <i>[name]</i>, <i>[title]</i>, Office of Congressional and Intergovernmental Affairs, at <i>[telephone number]</i>, or me at 202-586-6151.</p> <p style="text-align: center;">Sincerely,</p> <p style="text-align: center;"><i>[Name]</i> Assistant Secretary for Environment, Safety and Health</p>
<p style="text-align: center;">Letters Signed by the Director, Office of NEPA Policy and Compliance</p>	<p>For further information on the <i>[EIS title]</i> or to request additional copies <i>[or other volumes or formats]</i>, please contact <i>[name]</i> at the above address, call <i>[phone number]</i>, or e-mail <i>[EIS-specific e-mail address]</i>. <i>[If appropriate: For a copy of the appendix containing information deemed for Official Use Only, submit a request in writing to (name) at the address above. The appendix can only be delivered to a valid U.S. mailing address.]</i> The <i>[Draft or Final]</i> EIS is available at public reading rooms and libraries: <i>[list locations and operating hours]</i>. It is on the Department of Energy's NEPA Web site at <i>www.eh.doe.gov/nepa</i> under DOE NEPA Documents and on the project's Web site at <i>[URL]</i>. For information on the Department of Energy's NEPA program, please call me at 202-586-4600.</p> <p>Thank you for your interest in the <i>[program or project name]</i> and the <i>[EIS title]</i>.</p> <p style="text-align: center;">Sincerely,</p> <p style="text-align: center;"><i>[Name]</i> Director Office of NEPA Policy and Compliance</p>
<p style="text-align: center;">Letters Signed by a Program Official (Program Secretarial Officer, Head of a Field Office, or NEPA Document Manager)</p>	<p>For further information on the <i>[EIS title]</i> or to request additional copies <i>[or other volumes or formats]</i>, please contact <i>[me or name]</i> at the above address, call <i>[phone number]</i>, or e-mail <i>[EIS-specific e-mail address]</i>. <i>[If appropriate: For a copy of the appendix containing information deemed for Official Use Only, submit a request in writing to (name) at the address above. The appendix can only be delivered to a valid U.S. mailing address.]</i> The <i>[Draft or Final]</i> EIS is available at public reading rooms and libraries: <i>[list locations and operating hours]</i>. It is on the Department of Energy's NEPA Web site at <i>www.eh.doe.gov/nepa</i> under DOE NEPA Documents and on the project's Web site at <i>[URL]</i>. For information on the Department of Energy's NEPA program, please call <i>[Name]</i>, Director, Office of NEPA Policy and Compliance at 202-586-4600.</p> <p>Thank you for your interest in the <i>[program or project name]</i> and the <i>[EIS title]</i>.</p> <p style="text-align: center;">Sincerely,</p> <p style="text-align: center;"><i>[Name]</i> <i>[Title]</i></p>

Attachment 3

E. Template for Memorandum to Reading Room or Library

DATE: [Date]

REPLY TO

ATTN OF: [Name]

SUBJECT: [EIS title (DOE/EIS-####)]

TO: Freedom of Information Public Reading Room

Please make the enclosed copy of [EIS title (DOE/EIS-####)] available in the reading room through [date (usually after the expected issuance of a record of decision)].

Any inquiries concerning this document may be directed to me at:

[Name]

[Title]

[Address]

or leave a message at [toll-free telephone number] or send electronic mail to [EIS-specific e-mail address].

Thank you for your assistance.

[Name]

NEPA Document Manager

F. DOE 72-Hour Prior Notification Form

**Office of Congressional and Intergovernmental Affairs
72 - Hour Prior Notification Form**

Name of Office:

Date & Time of Scheduled Release:

Contact Person:

Office & After Hours Phone Numbers:

Type of Notification:

General Description:

Please attach:

- **Talking points**
- **Draft paragraph summarizing the issue**
- **Draft press release (if appropriate)**

Please send your notification to:

Office of Congressional and Intergovernmental Affairs

CI.Notification@hq.doe.gov

If you have any questions please call: 202-586-5450

[Note: The January 20, 2006, memorandum from the Under Secretary for Energy, Science and Environment distributing this form is reprinted on pages 3-10 through 3-12.]


F. DOE 72-Hour Prior Notification Form (continued)



The Under Secretary of Energy
Washington, DC 20585

January 20, 2006

MEMORANDUM FOR THE HEADS OF ENERGY, SCIENCE AND
ENVIRONMENT DEPARTMENTAL ELEMENTS

FROM: DAVID K. GARMAN 
AND UNDER SECRETARY FOR ENERGY, SCIENCE
ENVIRONMENT
SUBJECT: 72-Hour Prior Notifications

With the beginning of the New Year, I want to take this opportunity to reiterate the need for you and your program offices, field offices, and Laboratories to notify the Office of Congressional and Intergovernmental Affairs (CI) about upcoming items of interest to Members of Congress and the public. It is vitally important that information about all items of interest to Congress be provided in advance so that CI may coordinate an appropriate strategy with you for communicating to affected Governors, Senators, Representatives, and local and Tribal governments.

Since early in this Administration the Department has had in effect a 72-Hour Prior Notification policy that requires you to transmit relevant information concerning upcoming announcements to CI. Notification is required no later than three business days prior to release, and your notification should include a specific release date. Please note that grant and contract actions are already being handled through a separate formalized process that does not change.

In order to simplify the process for such notifications, the attached template is available for your convenience in order that you may electronically transmit notifications to CI. In addition to completing the attached template, each notification should include:

- Talking Points that may be used by CI in making Congressional notifications
- A draft paragraph summarizing the issue, which may be provided to Congress
- A draft press release (if applicable)



Printed with soy ink on recycled paper.

F. DOE 72-Hour Prior Notification Form (continued)

2

All procurement-sensitive information should be marked as such and treated appropriately.

Please distribute this Memorandum to the senior leadership in your Headquarters and field offices and Laboratory Directors and their staff. I also ask that you make the 72-Hour Prior Notification Requirement a formal step in your communication process.

Following is the type of information you should report to CI under the 72-Hour Prior Notification system. Please note, however, that this list is not all-inclusive and you should report any information that you believe to be of interest to Congress, State, local or Tribal officials.

Procurement-Related Items

- Acquisitions
- Draft and Final RFP's of \$1 million or more (or termination of RFP)
- Draft and Final EIS's
- Records of Decision (ROD)
- Expressions of Interest
- Risk-Based End State Vision Documents
- Achieving Major Milestones by DOE or Facility Management or Contractor
- Closure of a Facility by DOE or Facility Management or Contractor
- Termination of DOE Contracts
- Significant small business awards

Workforce-Related Items

- Work Force Restructuring by DOE or Facility Management or Contractors
- Reductions in Force or Layoffs at DOE Facilities
- Appointment of senior DOE Field officials

Laboratory or Field Office Activities

- Opening a New Office by DOE
- Field Office Public Meetings by DOE or Facility Management Contractor
- Small Business Conferences hosted by DOE or Contractor
- Citizen Advisory Board Meetings
- Response plans resulting from any accident, environmental damage, etc. (immediately when available)
- Achievement of any significant scientific breakthrough (if it warrants press attention, Congressional notification may also be required)
- Contractor fee reductions or penalties

Reports/Studies

- Release of Congressionally mandated reports or studies, or other reports or studies of interest to Congress and the public

F. DOE 72-Hour Prior Notification Form (continued)

3

Other

- o Any other issues that would be of interest to Congress or State, local, or Tribal governments.

While the policy outlined above requires 72-Hour Prior Notification of many types of announcements, there are often major announcements that need to be brought to CI's attention further in advance. I encourage you to be forward-thinking in bringing information to CI's attention as early as possible. Also, the more information you can provide, the more effective we will be in our relationship with Congress, State, local and Tribal governments.

Thank you in advance for your continued cooperation.

Attachment 3

G. Templates for EIS Filing Letters

Below are letter templates for filing a draft, final, or supplemental EIS with EPA.

The current address for filing an EIS with EPA is available in the *Directory of Potential Stakeholders for DOE Actions under NEPA*, which is available on the DOE NEPA Web site at www.eh.doe.gov/nepa under Selected Guidance Tools. Note that the U.S. Postal Service and private delivery services use different zip codes.

1. Template for EPA Draft EIS Filing Letter

[Name]

Director, Office of Federal Activities
EIS Filing Section
U.S. Environmental Protection Agency

[Consult the Stakeholders Directory
for the address.]

Dear [Name]:

Enclosed are five copies of the Department of Energy's (DOE's) [EIS title, DOE/EIS-####; identify county(ies) and state(s) if not in title]. [If applicable: Appendix X of this EIS is classified or for Official Use Only, has not been distributed to the general public, and is not included with this filing. Please contact (name) regarding this Appendix.] This document has been prepared in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations. [If applicable: Agency #1, Agency #2, etc. participated as cooperating agencies in the preparation of this EIS.]

The proposed action is to [state proposed action, including location(s) – use text from the EIS cover sheet]. The potential environmental impacts of [number] alternatives, including no action, are analyzed. [Name and give a one sentence description of each alternative.] DOE's preferred alternative [if known, specify; otherwise, state: will be identified in the Final EIS].

Copies of the [subject] Draft EIS have been provided to other Federal agencies, Members of Congress, American Indian tribal governments, state and local governments, and organizations and individuals who are known to have an interest in the Draft EIS.

Please list this [subject] Draft EIS in the [date: Friday of week following EPA filing] *Federal Register* and identify the following contact person: [name (usually NEPA Document Manager)] at [toll free telephone number]. DOE invites interested parties to comment on this Draft EIS during a [length of comment period; minimum 45-day] comment period that ends on [date]. Comments postmarked after that date will be considered to the extent practicable.

This Draft EIS is available on the DOE NEPA Web site at www.eh.doe.gov/nepa under DOE NEPA Documents and the project Web site at [URL], which may be cited in the *Federal Register* notice.

Thank you for your assistance.

Sincerely,

[Name]
Director
Office of NEPA Policy and Compliance

Enclosure: Draft EIS (5 copies)

G. Templates for EIS Filing Letters (continued)

2. Template for EPA Final EIS Filing Letter

[Name]

Director, Office of Federal Activities
EIS Filing Section
U.S. Environmental Protection Agency
[Consult the Stakeholders Directory
for the address.]

Dear [Name]:

Enclosed are five copies of the Department of Energy's (DOE's) [EIS title, DOE/EIS-####; identify county(ies) and state(s) if not in title]. [If applicable: Appendix X of this EIS is classified or for Official Use Only, has not been distributed to the general public, and is not included with this filing. Please contact (name) regarding this Appendix.] This document has been prepared in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations. [If applicable: Agency #1, Agency #2, etc. participated as cooperating agencies in the preparation of this EIS.] Copies of the [subject] Final EIS have been provided to other Federal agencies, Members of Congress, American Indian tribal governments, state and local governments, and organizations and individuals who are known to have an interest in the Final EIS.

The proposed action in the Final EIS is to [state proposed action, including location(s) – use text from the EIS cover sheet]. The potential environmental impacts of [number] alternatives, including no action, are analyzed. [Name and give a one sentence description of each alternative.] DOE's preferred alternative is to [Final EIS must identify DOE's preferred alternative, unless a law prohibits the expression of such a preference].

DOE issued the Draft EIS for public comment on [date of EPA's Notice of Availability]. The [xx-day] public comment period extended through [end date], with [number] public hearings held [state date or date range and location(s), if not numerous]. DOE has considered all comments received in preparing this EIS and incorporated both the comments and DOE's responses in the document. Major changes between the Draft and Final EIS include [briefly summarize]. [If only a Comment-Response Addendum was prepared, replace the preceding two sentences with: The nature of comments received required only minor text changes (factual corrections, clarifications) to the Draft EIS. Therefore, in accordance with 40 CFR 1503.4(c) of the Council on Environmental Quality NEPA regulations, DOE has prepared a Comment-Response Addendum containing only the comments, the responses to those comments, and a list of the changes to the Draft EIS. DOE is filing the Comment-Response Addendum along with the previously issued Draft EIS as the Final EIS.]

Please list this [subject] Final EIS in the [date: Friday of week following EPA filing] Federal Register and identify the following contact person: [name (usually NEPA Document Manager)] at [toll free telephone number].

This Final EIS is available on the DOE NEPA Web site at www.eh.doe.gov/nepa under DOE NEPA Documents and the project Web site at [URL], which may be cited in the Federal Register notice.

DOE will issue a Record of Decision no sooner than 30 days after the EPA publishes a Notice of Availability of this Final EIS in the Federal Register. Thank you for your assistance.

Sincerely,

[Name]
Director
Office of NEPA Policy and Compliance

Enclosure: Final EIS (5 copies)