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United States Government **Department of Energy**

memorandum

DATE: DEC 19 2003

REPLY TO ATTN OF: Office of NEPA Policy and Compliance (L. Jessee, 202-586-7600)

SUBJECT: Annual National Environmental Policy Act (NEPA) Planning Summaries

TO: Secretarial Officers and Heads of Field Organizations (list attached)

To foster timely decisionmaking, senior managers need to be involved in their organization's NEPA planning process and allocation of resources for efficient compliance. This memorandum is a reminder that Department of Energy (DOE) Order 451.1B, National Environmental Policy Act Compliance Program, Section 5.a.(7), requires that each Secretarial Officer and Head of a Field Organization shall, for matters under the office's purview, submit an annual NEPA planning summary to the Assistant Secretary for Environment, Safety and Health (EH-1) by January 31 of each year and make it available to the public. To help in this effort, I am providing the attached informal guidance for preparing and submitting the annual NEPA planning summaries. I hope that the guidance will make preparation of the summary more efficient and the outcome more useful.

DOE Order 451.1B, Section 4.d, requires that an annual NEPA planning summary will describe briefly: (1) the status of ongoing NEPA compliance activities, (2) any environmental assessments expected to be prepared in the next 12 months, (3) any environmental impact statements expected to be prepared in the next 24 months, and (4) the planned cost and schedule for completion of each NEPA review identified. Additionally, every 3 years [starting with 1995], each Field Organization must include an evaluation of whether a site-wide environmental impact statement would facilitate future NEPA compliance efforts. Therefore, each Field Organization, as appropriate, should include in its 2004 annual NEPA planning summary an evaluation of this issue regarding site-wide environmental impact statements.

In preparing the informal guidance, we consulted with the Office of General Counsel, and assessed the timeliness and quality of information received in previously submitted planning summaries. The objective of the guidance is to allow maximum flexibility in meeting the reporting requirements, while encouraging the incorporation of the NEPA review process as early as possible into the planning stages for DOE proposals. The guidance is also intended to promote continuous improvement of the annual planning summaries as a tool to facilitate field and headquarters coordination of NEPA compliance activities.

For your convenience, I am also distributing this reminder to NEPA Compliance Officers (NCOs) for their appropriate action because DOE Order 451.1B requires NCOs to coordinate NEPA compliance strategies for matters within their office's purview. Please direct any questions or comments on the informal guidance to Carol Borgstrom, Director, Office of NEPA Policy and Compliance, at 202-586-4600.

Beverly A. Cook
Assistant Secretary
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Attachment

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December 19, 2003

Informal Guidance Regarding Annual NEPA Planning Summaries

INTRODUCTION

The objective of this guidance is to assist Program and Field Organizations in meeting the Annual NEPA Planning Summary (APS) reporting requirements while encouraging the application of the NEPA review process as early as possible in the planning stages for DOE proposals. This guidance is also intended to promote continuous improvement of APSs as a tool to facilitate field and headquarters compliance with NEPA, as well as to provide senior DOE managers with information to support key decisionmaking and policy development.

DOE ORDER REQUIREMENTS

The Department of Energy (DOE) Order 451.1B, National Environmental Policy Act (NEPA) Compliance Program, Section 5.a.(7), requires that each Secretarial Officer and Head of a Field Organization shall, for matters under the office's purview, submit an annual NEPA planning summary (APS) to the Assistant Secretary for Environment, Safety and Health (EH-1) by January 31 of each year and make it available to the public. This requirement was instituted to help ensure that senior management officials are involved in their organization's NEPA planning process and that adequate resources are allocated to enable timely compliance. APSs must also be made available to the public (i.e., through mailings, websites, etc.).

An APS will describe briefly: (1) the status of ongoing NEPA compliance activities, (2) any environmental assessments (EAs) expected to be prepared in the next 12 months, (3) any environmental impact statements (EISs) expected to be prepared in the next 24 months, and (4) the planned cost and schedule for completion of each NEPA review identified. Every three years starting with 1995, the APS for each Field Organization will include an evaluation of whether a site-wide EIS would facilitate future NEPA compliance efforts.

OTHER REQUIREMENTS

Subpart B of the DOE NEPA Implementing Procedures (10 CFR 1021.200) states that "DOE shall provide for adequate and timely NEPA review of DOE proposals, including those for programs, policies, projects, regulations, orders, or legislation. In its planning for each proposal, DOE shall include adequate time and funding for proper NEPA review and for preparation of anticipated NEPA documents. DOE shall begin its NEPA review as soon as possible after the time that DOE proposes an action or is presented with a proposal. During the development and consideration of a DOE proposal, DOE shall review any relevant planning and decisionmaking documents, whether prepared by DOE or another agency, to determine if the proposal or any of its alternatives are considered in a prior NEPA document."

APSs are required as part of DOE's NEPA Compliance Program, DOE Order 451.1B. Secretarial Officers and Heads of Field Organizations are responsible for submitting an APS to EH-1 by January 31 each year. These officials (or their acting designees) should sign the APS. The signature of these officials on the APSs signifies that the appropriate senior management officials are involved in their organization's NEPA planning process. The NEPA Compliance Officer (NCO) should not sign the APS. Enough lead time should be incorporated into the schedule to allow senior management review and concurrences prior to approval by Secretarial Officers and Heads of Field Organizations.

Submittal of APSs is required of all DOE programs, including the National Nuclear Security Administration, and field organizations. For those organizations that have no ongoing or planned EAs or EISs, a negative report should be submitted.

APS SECTIONS

Status of Ongoing NEPA Compliance Activities

Ongoing NEPA compliance activities include DOE actions for which the NEPA process has begun. It is appropriate to provide the completed and projected NEPA milestones for NEPA documents in progress as of January 1 of the year of the APS. A very brief (one or two sentence) description of the document status can be provided to indicate status beyond the milestones, as appropriate, but should be reserved for exceptional circumstances such as delay, deferment or cancellation of the EA or EIS. It is not necessary to report the status of actions for which neither an EA nor an EIS is normally required (e.g., categorical exclusions) in the APS.

Annual progress reports made in implementing mitigation commitments (the Annual Mitigation Action Plan Report) may be submitted as part of the APS (DOE Order 451.1B 5.b(5) and 5.d(11)(f)) under this section.

EAs Expected to be Prepared in 12 Months

EAs (as defined at 40 CFR §1508.9) that are planned (i.e., preparation is expected to begin during the next 12 months), but for which no formal determination has been made, should be reported under this section of planned NEPA activities. An EA should be included in this section if an EA determination has been made but no work on the EA has begun. If known, the scheduled or projected milestones (e.g., determination date, date of transmittal to state/s, approval date) should be included.

EISs Expected to be Prepared in 24 Months

EISs (as defined at 40 CFR § 1508.11) that are planned (i.e., preparation is expected to begin during the next 24 months) should be reported under this section of planned NEPA activities. An EIS should be included in this section if an EIS determination has been made but no work on the EIS has begun. If known, the scheduled or projected milestones (e.g., determination

date, notice of intent date, timeframe for scoping, availability of the draft and final EIS, and record of decision) should be included. Future programmatic (including site-wide) and supplemental EISs, and supplement analyses, should be reported under this section, as well as an evaluation (due every 3 years) of whether to prepare a site-wide EIS.

COST AND SCHEDULE OF NEPA REVIEWS

APSs can facilitate delivery of proposed projects on schedule, within budget, as well as help ensure that capital asset projects are managed appropriately (DOE Policy 413.1 and DOE Order 413.3). Estimated costs for each NEPA review (both ongoing and future) should be identified in the APS to help senior management plan the budget. Budgeting for NEPA reviews is an essential part of effective project planning and management. However, this information has not been consistently provided in past APSs. A useful tool for estimating future EA and EIS preparation costs can be found in the "EAs and EISs Completed This Quarter" of each issue of DOE's NEPA *Lessons Learned Quarterly Report* (LLQR). Costs for specific EAs and EISs are provided, as well as cost and time averages. If there are concerns that cost estimates may prejudice the procurement process, an average cost from LLQR may be used. Another option would be to include the estimated costs in the version of the APS to be reviewed by management, but remove them in the version to be made public.

Identifying the schedules of NEPA reviews assists the Office of NEPA Policy and Compliance in its planning; that is, making staff resources available to review and assist in the preparation and approval of the EISs. A comprehensive list of all EAs and EISs being prepared or planned throughout the Department also helps the NEPA Office identify trends and crosscutting issues. Additionally, review of APSs could help program and field offices reduce or eliminate redundant analyses and identify related NEPA analyses that could support cumulative impacts assessments.

PUBLIC AVAILABILITY

The Office of NEPA Policy and Compliance began publishing APSs on the DOE NEPA Web site (http://www.eh.doe.gov/nepa) in 2003. The reasons for posting APSs on the NEPA Web Site were two-fold: 1) to allow DOE offices to see what EAs and EISs are ongoing and planned, and 2) to assist in making APSs available to the public, as required by DOE Order 451.1B. Hard copies of APSs could also be placed the DOE Reading Rooms and distributed to known interested stakeholders.

HEADQUARTERS AND FIELD COORDINATION

The DOE element that is responsible for preparing the EA and EIS should report the document in their APS. In some cases, an EA or EIS may be reported by both a Headquarters and Field Organizations. We encourage Headquarters organizations to coordinate with their Field Organizations in this regard to facilitate strategic planning, identify crosscutting issues and optimize overall efficiency.

APS TEMPLATES

Over the years, the NEPA Office has received a number of inquiries about a recommended or standard format for the APS report. After reviewing numerous APSs and considering the options, we are providing templates for reporting on ongoing and planned EAs and EISs (see attached Exhibit). While use of these templates is not required, we believe they will aid APS preparation and foster consistency and completeness.

Exhibit

APS Templates

Annual NEPA Planning Summary
Status of Ongoing NEPA Compliance Activities: Environmental Assessments
Enter the name of the reporting organization here: Program Office or Field Organization
Enter APS report date here

Title, Location	Estimated Cost	Estimated NEPA Milestones*	Description
		Determination Date: Transmittal to State: EA Approval: FONSI:	
		Determination Date: Transmittal to State: EA Approval: FONSI:	
		Determination Date: Transmittal to State: EA Approval: FONSI:	
		Determination Date: Transmittal to State: EA Approval: FONSI:	
		Determination Date: Transmittal to State: EA Approval: FONSI:	
		Determination Date: Transmittal to State: EA Approval: FONSI:	

Total Number of Ongoing EAs: _____ Total Estimated Cost: _____

*** Include completed and projected NEPA milestones, if known.**

Annual NEPA Planning Summary
Status of Ongoing NEPA Compliance Activities: Environmental Impact Statements

Enter the name of the reporting organization here: Program Office or Field Organization

Enter APS report date here

Title, Location	Estimated Cost	Estimated NEPA Milestones*	Description
		Determination Date: **NOI:** **Scoping:** **Draft:** Hearings: Final: ROD:	
		Determination Date: **NOI:** **Scoping:** **Draft:** Hearings: Final: ROD:	
		Determination Date: **NOI:** **Scoping:** **Draft:** Hearings: Final: ROD:	
		Supplement Analysis Determination Date: Approval:	

Total Number of Ongoing EISs: ____ Total Number of Ongoing SAs: _____ Total Estimated Cost: _____

*** Include completed and projected NEPA milestones, if known.**

Annual NEPA Planning Summary
Environmental Assessments
Expected to be Prepared in the Next 12 Months

Enter the name of the reporting organization here: Program Office or Field Organization

Enter APS report date here

Title, Location	Estimated Cost	Estimated NEPA Milestones*	Description
		Determination Date: Transmittal to State: EA Approval: FONSI:	
		Determination Date: Transmittal to State: EA Approval: FONSI:	
		Determination Date: Transmittal to State: EA Approval: FONSI:	
		Determination Date: Transmittal to State: EA Approval: FONSI:	
		Determination Date: Transmittal to State: EA Approval: FONSI:	
		Determination Date: Transmittal to State: EA Approval: FONSI:	

Total Number of EAs:_____ Total Estimated Cost: _____

*** Include projected NEPA milestones, if available.**

Annual NEPA Planning Summary
Environmental Impact Statements
Expected to be Prepared in the Next 24 Months

Enter the name of the reporting organization here: Program Office or Field Organization

Enter APS report date here

Title, Location	Estimated Cost	Estimated NEPA Milestones*	Description
		Determination Date: NOI: Scoping: Draft: Hearings: Final: ROD:	
		Determination Date: NOI: Scoping: Draft: Hearings: Final: ROD:	
		Determination Date: NOI: Scoping: Draft: Hearings: Final: ROD:	
		Supplement Analysis **Determination Date:** **Approval**:	

Total Number of EISs to be Prepared: _____ Total Estimated Cost: _____

*** Include projected NEPA milestones, if available.**