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The DOE NEPA Process

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OBJECTIVES

The National Environmental Policy Act (NEPA) declares that Federal agencies shall have a general commitment to "use all practicable means" to conduct their activities in a way that will promote "the general welfare where man and nature can exist in productive harmony." Within these general guidelines, the manner in which NEPA requirements are implemented may be somewhat different and unique from one Federal agency to the next.

A brief overview indicating the types of NEPA documents that are produced by the Department of Energy (DOE) in compliance with NEPA is shown in the figure. This figure indicates that the level of NEPA documentation required for any given project is graded and dependent on that project's size, complexity, and potential consequences to health and the human environment. More complex projects with potentially greater environmental impacts require a much more in-depth analysis to ensure that these potential consequences can be managed and/or mitigated, so that the proposed project can proceed in compliance with NEPA.

It is important to keep in mind the following points when conducting any project that involves Federal land, Federal monies, or Federal permits:

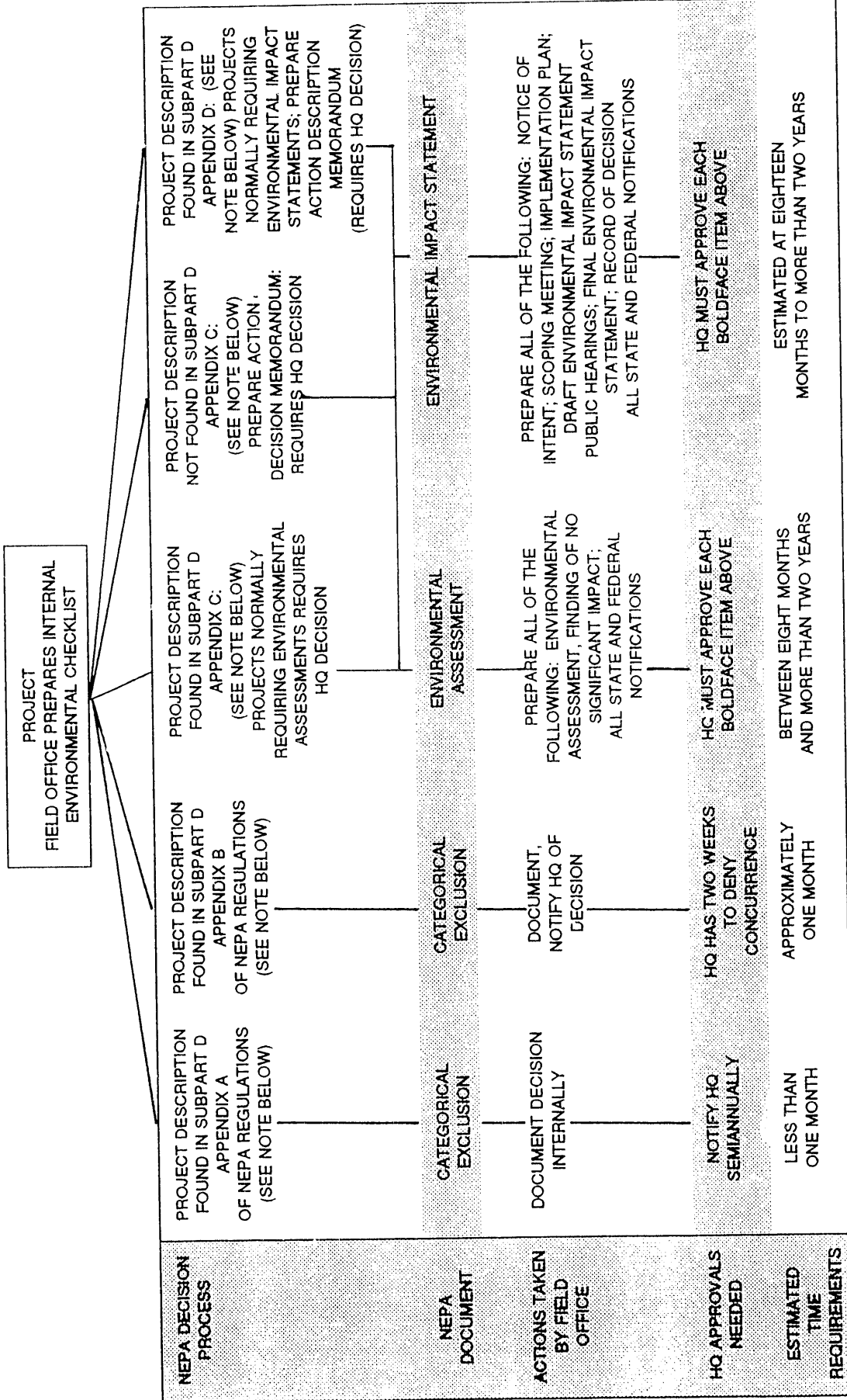
- Under these conditions (involvement of Federal lands, use of Federal monies, or requirement for Federal permits), some level of NEPA analysis and documentation is required.

- The NEPA process must be completed and a decision favorable to the proposed project must be supported by the NEPA analysis before that proposed project can fully expend Federal funds.
- Activities that cannot proceed until the NEPA analysis and decision-making process is completed are those that:
 1. Result in an adverse environmental impact (such as destroying the habitat of the spotted owl before considering the potential consequences of such an action) and/or
 2. Limit the choice of reasonable alternatives (such as destroying an archeological site before analysis of the potential losses that might result).

Based on the current experience at the Morgantown Energy Technology Center (METC), the level of NEPA documentation required for the preponderance of all METC projects is a Categorical Exclusion (CX).

A CX normally requires less than 2 months to complete. A certain number of more complex projects will, however, require Environmental Assessments (expected to take from between 8 months to more than 2 years to complete), and a few projects with the potential for complex environmental consequences will require an even greater depth of analysis, with development of an Environmental Impact Statement (usually requiring more than 2 years to complete).

NEPA DOCUMENTATION FLOWCHART



NOTE: DOE NEPA implementation procedures are defined in the Federal Register (57 FR 15122, April 24, 1992).

Guidelines regarding the NEPA decision-making process and development of NEPA documentation can be obtained from DOE/METC environmental personnel, and additional information can be obtained from the references.

REFERENCES

1. The National Environmental Policy Act of 1969, as amended, Pub. L. 91-190, 42 U.S.C. 4321-4327, January 1, 1970 as amended by Pub. L. 94-52, July 3, 1975, and Pub. L. 94-83, August 9, 1975.
2. Council on Environmental Quality-Regulations for Implementing NEPA Requirements, 40 CFR Parts 1500-1508.
3. Department of Energy, National Environmental Policy Act; Implementing Procedures and Guidelines Revocation; Final Rules, 10 CFR 1021.

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