

Desk Instruction 2.10 “NEPA Analysis and Compliance”

April 30, 2004

Revision 0

Approved by: _____

Date: _____

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1.0 Introduction

The U.S. Department of Energy (DOE), Office of River Protection (ORP), Environmental Safety and Quality (ESQ) organization is a resource to help ensure that the tools and knowledge to provide environmental stewardship and environmental requirements are available and properly utilized. This includes meeting the requirements of the National Environmental Policy Act (NEPA).

Title I, Section 102 (A) of the NEPA requires the Federal government to use a systematic approach which ensures the integrated use of the natural and social sciences in environmental planning and decision making. The DOE has incorporated regulations in DOE Order 451.B and its associated implementing procedures.

In order to properly apply the implementing procedures and guidance to effectively meet the requirements of NEPA, an initial evaluation must be conducted on the potential impacts of any proposed Federal action. Federal actions that must be considered include policy and regulatory changes, as well as, physical activities that have potential to effect the human environment.

The NEPA analysis includes Environmental Assessment (EA) resulting in a Finding of No Significant Impacts (FONSI), or analysis of a proposed action and alternatives that have potential for significant impacts through an Environmental Impact Statement (EIS). Certain routine activities with negligible impacts are categorically excluded from further environmental analysis.

DOE field offices employ NEPA subject matter experts titled NEPA Compliance Officers (NCO's) to facilitate these determinations. It is incumbent on the project manager to consult with NCO on environmental analysis and actions to be aware of the requirement to analyze the potential impacts of their projects and to ensure that the proper steps are taken to meet the requirements of NEPA before project decisions are made.

2.0 Expectations

- a. The ESQ Environmental Division (ED) serves as the NEPA Compliance Officer for the Office of River Protection.
- b. ED is responsible for ensuring that the River Protection Project (RPP) analyzes all environmental actions and potential actions to ensure that the requirements of NEPA are incorporated into project planning and decisions.

3.0 Application

This DI applies to all ORP staff.

4.0 Procedure and Process

This section provides the processes for the following NEPA functions:

- NEPA Analysis
- Categorical Exclusion
- Environmental Assessment and Finding of No Significant Impact
- Environmental Impact Statement Delegated Authority
- Environmental Impact Statement Non-Delegated Authority
- Supplemental Analysis

A process table is provided for each of the above functions.

4.1 NEPA Analysis

Analyze a proposed action to determine the appropriate level of NEPA actions following the information below.

Step #	Description	Performer	Support
Step 1	<p>Evaluate program information per 10 CFR 1021 to determine eligibility for Categorical Exclusion (CX), Environmental Assessment (EA), Environmental Impact Statement (EIS), or Supplemental Analysis (SA).</p> <p>Note: CXs, EAs, and EISs are used to evaluate the environmental impacts of proposed actions at the Hanford Site in accordance with NEPA, 10 CFR Parts 1500-1508. DOE Order 451.1B, as approved in 1997, implements the reforms outlined in the Secretary of Energy's Policy Statement on NEPA (1994).</p>	Hanford NEPA Compliance Officer	mission element, NEPA Compliance Team, mission element NEPA Document Manager, and legal counsel

4.2 Categorical Exclusion

A categorical exclusion represents an action that does not individually or cumulatively have a significant effect on the human environment, and does not normally require the preparation of an EIS or EA. Lists of general and specific agency activities, which are potentially considered to be

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CXs, are contained in Appendixes A and B of 10 CFR 1021. The process to determine the proposed actions for categorical exclusion are shown in the following steps.

Step #	Description	Performer	Support
Step 1	Evaluate the proposed action per 10 CFR 1021 to determine eligibility for Categorical Exclusion (CX).	Hanford NEPA Compliance Officer (NCO)	NEPA Subject Matter Expert (SME), cognizant mission element, legal counsel, and NEPA Project Manager (mission element level)
Step 2	Prepare the draft CX.	NEPA Project Manager (mission element level)	cognizant mission element, legal counsel, and Hanford SME
Step 3	Determine whether CX is appropriate and approve.	Hanford NCO	legal counsel
Step 4	Notify the cognizant mission element of the CX determination.	Hanford NCO	N/A
Step 5	Proceed with action.	cognizant mission element	N/A

4.3 Environmental Assessment and Finding of No Significant Impact

A public document issued by a Federal agency briefly presenting the reasons an action for which the agency has prepared an EA has no potential of having a significant effect on the human environment and, thus, will not require preparation of an EIS. Determine whether a proposed action requires an Environmental Assessment (EA) or is a Finding of No Significant Impact (FONSI) following the steps below.

Step #	Description	Performer	Support
Step 1	Evaluate the proposed action using the NEPA Analysis procedure.	Hanford NEPA Compliance Officer (NCO)	NEPA SME, cognizant mission element, and NEPA Project Manager (mission element level)

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Step 2	Conduct internal scoping.	cognizant mission element NEPA Project Manager (mission element level)	Hanford NCO, NEPA Compliance Team, and legal counsel
Step 3	Make EA determination recommendation to the DOE Manager.	Hanford NCO	N/A
Step 4	Make EA determination and identify cognizant mission element NEPA Document Manager.	DOE Manager	Hanford NCO, legal counsel, and cognizant mission element
Step 5	Request NEPA document number from Headquarters Office of Environment, Safety, and Health.	Hanford NCO	N/A
Step 6	Notify internal and external organizations of the EA determination.	Hanford NCO	legal counsel, cognizant mission element NEPA Document Manager, and mission element
Step 7	Prepare the draft EA and Mitigation Action Plan (MAP), if needed.	cognizant mission element NEPA Document Manager	cognizant mission element
Step 8	Review the draft EA and determine whether the EA is ready for external reviews.	Hanford NCO	NEPA Review Panel
Step 9	Transmit the EA to the States, Tribal Nations, and stakeholders for review.	Hanford NCO	cognizant mission element NEPA Document Manager, legal counsel, and cognizant mission elements
Step 10	Place the draft EA on the Hanford website.	Hanford NCO	NEPA SMEs
Step 11	Receive comments from the States, Tribal Nations, and stakeholders.	Hanford NCO	NEPA Document Manager, cognizant mission element, NEPA SMEs, and

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			cognizant mission element NEPA Document Manager
Step 12	Remove EA from the Hanford website.	Hanford NCO	NEPA SMEs
Step 13	Consider comments and revise the EA, if necessary.	Cognizant mission element NEPA Document Manager	cognizant mission element
Step 14	Submit the revised EA (and MAP, if needed) to the NCO Compliance Team for distribution and Panel Review.	Cognizant mission element NEPA Document Manager	cognizant mission element
Step 15	Review the revised EA, MAP (if needed), public comments, and responses.	Hanford NCO	NEPA Review Panel
Step 16	Consider the NEPA Threshold Question, FONSI, or Environmental Impact Statement (EIS) and make determination.	Hanford NCO	NEPA Review Panel
Step 17	Prepare the draft FONSI or EIS determination and formal recommendation to the DOE Manager.	Hanford NCO	cognizant mission element NEPA Document Manager and mission element
Step 18	Review the recommendations and approve the FONSI or EIS determination (and MAP, if needed).	DOE Manager	Hanford NCO, chief counsel, and cognizant mission element NEPA Document Manager
Step 19	Transmit the final EA to State, Tribal Nations, stakeholders, and Hanford contractors.	Hanford NCO	cognizant mission element NEPA Document Manager, mission element, and NEPA SMEs
Step 20	Place the final EA on the Hanford website and notices in newspapers.	Hanford NCO	cognizant mission element and NEPA SMEs

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Step 21	Transmit the final EA (hard copies and electronic files) and NEPA lessons learned questionnaire to EH-42.	Cognizant mission element NEPA Document Manager	Hanford NCO
Step 22	Proceed with action.	Cognizant mission element	N/A

4.4 Environmental Impact Statement (EIS) Delegated Authority

An EIS is a detailed written statement that is required by Section 102 (2) of NEPA for a proposed major Federal action significantly affecting the quality of the human environment. A DOE EIS is prepared in accordance with applicable requirements of the Council on Environmental Quality NEPA regulations in 40 CFR 1, Parts 1500-1508 and listed in the DOE NEPA regulations in DOE 10 CFR 1021, Subpart D, Appendix D. ORP requests EIS approval delegation authority from DOE-HQ.

Step #	Description	Performer	Support
Step 1	Evaluate the proposed action using the NEPA Analysis procedure.	Hanford NEPA Compliance Officer (NCO)	NEPA SMEs, Legal Counsel, and cognizant mission element
Step 2	Recommend Environmental Impact Statement (EIS) determination to the DOE Manager.	Hanford NCO	cognizant mission element, Legal Counsel, and Hanford SMEs
Step 3	Make EIS determination.	DOE Manager	N/A
Step 4	Request delegation of EIS approval authority to the Field Office Manager from EH through the appropriate Program Secretarial Officer.	DOE Manager	N/A
Step 5	If Headquarters does not approve the delegation of authority, exit this procedure and follow the Environmental Impact Statements Non-Delegated Authority procedure.	All personnel	N/A
Step 6	Notify Field Office Manager and cognizant mission element of Headquarters' approval for delegation of authority.	Hanford NCO	N/A

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Step 7	Request NEPA document number.	Hanford NCO	N/A
Step 8	Identify the cognizant mission element NEPA Document Manager.	DOE Manager	Hanford NCO and cognizant mission element
Step 9	Submit Notice of Intent announcement to the Federal Register.	Hanford NCO	Hanford Advisory Board/Public Involvement Manager, Legal Counsel, and cognizant mission element
Step 10	Conduct public scoping meetings, brief the Hanford Advisory Board, and consult with the Tribal Nations.	cognizant mission element NEPA Document Manager	cognizant mission element, Hanford NCO, NEPA SMEs, and Hanford Advisory Board/Public Involvement Manager
Step 11	Prepare the draft EIS.	cognizant mission element NEPA Document Manager	cognizant mission element
Step 12	Distribute the draft EIS for internal review and comment.	cognizant mission element NEPA Document Manager	cognizant mission element
Step 13	Review the draft EIS.	Hanford NCO	cognizant mission element NEPA Document Manager, NEPA SMEs, Legal Counsel, Hanford SMEs, and cognizant mission element
Step 14	Revise the draft EIS.	cognizant mission element NEPA Document Manager	cognizant mission element
Step 15	Make recommendation to the DOE Manager when the draft EIS is ready for public review.	Hanford NCO, cognizant mission element NEPA	Legal Counsel

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		Document Manager	
Step 16	Approve the draft EIS for transmittal to the public for review and comment.	DOE Manager	Hanford NCO, cognizant mission element NEPA Document Manager, and Legal Counsel
Step 17	Transmit the draft EIS to the States, Tribal Nations, and stakeholders.	Hanford NCO	cognizant mission element NEPA Document Manager
Step 18	Place the draft EIS on the Hanford website.	Hanford NCO	cognizant mission element NEPA Document Manager and Hanford Advisory Board/Public Involvement Manager
Step 19	Submit the Notice of Availability announcement to the Federal Register and file the notice with the Environmental Protection Agency through GH-42.	Hanford NCO	cognizant mission element NEPA Document Manager, and Hanford Advisory Board/Public Involvement Manager
Step 20	Conduct public meetings on the draft EIS.	cognizant mission element NEPA Document Manager	Hanford NCO, Hanford Advisory Board/Public Involvement Manager, NEPA SMEs
Step 21	Remove the draft EIS from the Hanford website at the end of the comment period.	Hanford NCO	NEPA SMEs
Step 22	Consider comments and revise the draft EIS (and Mitigation Action Plan [MAP], if needed).	cognizant mission element NEPA Document Manager	cognizant mission element, Legal Counsel, Hanford Advisory Board/Public Involvement Manager, and NEPA SMEs

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Step 23	Review the draft final EIS (and MAP, if needed).	Hanford NCO	cognizant mission element, Legal Counsel, Hanford Advisory Board/Public Involvement Manager, and NEPA SMEs
Step 24	Recommend the final EIS (and MAP, if needed) for approval when it is ready for the appropriate manager's signature.	Hanford NCO	NEPA SMEs, cognizant mission element NEPA Document Manager, Hanford Advisory Board/Public Involvement Manager, and Legal Counsel
Step 25	Approve the EIS (and MAP, if needed).	DOE Manager	N/A
Step 26	Distribute the final EIS.	Cognizant mission element NEPA Document Manager	Hanford NCO and Hanford Advisory Board/Public Involvement Manager
Step 27	Submit Federal Register Notice of Availability for the Final EIS (and MAP, if needed).	Hanford NCO	NEPA SMEs, cognizant mission element NEPA Document Manager, mission element SMEs, Hanford Advisory Board/Public Involvement Manager, and Legal Counsel
Step 28	Prepare the Record of Decision (ROD).	cognizant mission element NEPA Document Manager	NEPA SMEs, Hanford Advisory Board/Public Involvement Manager, and Legal Counsel

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Step 29	Recommend Manager approve ROD (and MAP, if needed).	Hanford NCO	cognizant mission element NEPA Document Manager and Legal Counsel
Step 30	Approve the ROD (and MAP, if needed).	DOE Manager	Hanford NCO, cognizant mission element NEPA Document Manager, and Legal Counsel
Step 31	Submit the Notice of Availability announcement for the ROD to the Federal Register.	Hanford NCO	Cognizant mission element NEPA Document Manager, Hanford Advisory Board/Public Involvement Manager, and Legal Counsel
Step 32	Transmit the final EIS (hard copies and electronic files) to Headquarters.	cognizant mission element NEPA Document Manager	N/A
Step 33	Evaluate activities and provide information, if any, to the Lessons Learned Coordinator (see the Service Directory) to aid performance improvement.	Hanford NCO	mission element, Legal Counsel, NEPA SMEs, and cognizant mission element NEPA Document Manager

4.5 Environmental Impact Statement Non-Delegated Authority

Non-Delegated Authority means that the EIS is submitted by ORP to DOE-HQ for approval. ORP supports Headquarters NEPA activities following the steps below.

Step #	Description	Performer	Support
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Step 1	Evaluate the proposed action using the NEPA Analysis procedure.	Hanford NEPA Compliance Officer (NCO)	NEPA compliance SMEs, NEPA SMEs, cognizant mission element, and Legal Counsel
Step 2	Recommend Environmental Impact Statement (EIS) determination to the DOE Manager.	Hanford NCO	cognizant mission element, Legal Counsel, and Hanford SMEs
Step 3	Make EIS determination and identify cognizant mission element NEPA Document Manager.	DOE Manager	N/A
Step 4	Request NEPA document number.	Hanford NCO	N/A
Step 5	Submit draft Notice of Intent announcement for the Federal Register to EH.	cognizant mission element NEPA Document Manager	Hanford NCO, NEPA SMEs, cognizant mission element, Hanford SMEs, and Hanford Advisory Board/Public Involvement Manager
Step 6	Conduct public scoping meetings, brief the Hanford Advisory Board, and consult with the Tribal Nations.	cognizant mission element NEPA Document Manager	cognizant mission element, Hanford NCO, NEPA SMEs, Hanford SMEs, and Hanford Advisory Board/Public Involvement Manager
Step 7	Prepare the draft EIS.	cognizant mission element NEPA Document Manager	Hanford NCO, NEPA SMEs, cognizant mission element, Hanford SMEs, and Hanford Advisory Board/Public Involvement Manager
Step 8	Distribute the draft EIS for internal review and comment.	cognizant mission element NEPA Document Manager	NEPA SMEs

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Step 9	Review the draft EIS.	Hanford NCO	NEPA SMEs, cognizant mission element, Legal Counsel, Hanford SMEs, and Hanford Advisory Board/Public Involvement Manager
Step 10	Revise the draft EIS.	cognizant mission element NEPA Document Manager	Hanford NCO, NEPA SMEs, cognizant mission element, Hanford SMEs, and Legal Counsel
Step 11	Forward the draft EIS to the DOE Manager for approval to transmit to Headquarters.	Hanford NCO	cognizant mission element NEPA Document Manager, NEPA SMEs, cognizant mission element, Hanford SMEs, and Legal Counsel
Step 12	Transmit the draft EIS to the Headquarters Program Secretarial Officer (PSO) for review.	DOE Manager	N/A
Step 13	Incorporate comments from the Headquarters PSO into the draft EIS.	cognizant mission element NEPA Document Manager	cognizant mission element NEPA Document Manager, NEPA SMEs, cognizant mission element, Hanford SMEs, Legal Counsel, and Hanford NCO
Step 14	After receiving Headquarters' approval, distribute the draft EIS for public comment.	cognizant mission element NEPA Document Manager	Hanford Advisory Board/Public Involvement Manager
Step 15	Conduct public comment meetings on the draft EIS.	cognizant mission element NEPA	Hanford Advisory Board/Public

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		Document Manager	Involvement Manager, Hanford NCO, and NEPA SMEs
Step 16	Transmit public comments on the draft EIS to Headquarters.	cognizant mission element NEPA Document Manager	mission element
Step 17	Consider comments and revise the draft EIS (and Mitigation Action Plan [MAP], if needed).	cognizant mission element NEPA Document Manager	Hanford NCO, cognizant mission element, Legal Counsel, Hanford Advisory Board/Public Involvement Manager, and NEPA SMEs
Step 18	Distribute the draft final EIS for internal review and approval.	cognizant mission element NEPA Document Manager	Hanford NCO
Step 19	Submit the draft final EIS (and MAP, if needed), to Headquarters for review and comments.	cognizant mission element NEPA Document Manager	Hanford NCO, cognizant mission element, Legal Counsel, Hanford Advisory Board/Public Involvement Manager, and NEPA SMEs
Step 20	Revise final EIS to incorporate Headquarters comments.	cognizant mission element NEPA Document Manager	Hanford NCO, cognizant mission element, Legal Counsel, Hanford Advisory Board/Public Involvement Manager, and NEPA SMEs
Step 21	Submit Federal Register Notice of Availability for the Final EIS (and	cognizant mission element NEPA	cognizant mission element

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	MAP, if needed), to Headquarters.	Document Manager	
Step 22	Distribute the final EIS.	cognizant mission element NEPA Document Manager	Hanford NCO and cognizant mission element
Step 23	Prepare the Record of Decision (ROD).	cognizant mission element NEPA Document Manager, and Hanford NCO	Legal Counsel and cognizant mission element
Step 24	Submit the draft ROD to Headquarters.	DOE Manager	N/A
Step 25	Place Notice of Availability for the ROD in the Federal Register.	cognizant mission element NEPA Document Manager	cognizant mission element
Step 26	Proceed with action.	cognizant mission element NEPA Document Manager	N/A
Step 27	Transmit the final EIS (hard copies and electronic files) to Headquarters.	cognizant mission element NEPA Document Manager	N/A
Step 28	Evaluate activities and provide information, if any, to the Lessons Learned Coordinator (see the Service Directory) to aid performance improvement.	Hanford NCO	cognizant mission element NEPA Document Manager, Legal Counsel, and NEPA SMEs

4.6 Supplemental Analysis

A DOE document used to determine whether a supplemental or a new EIS should be prepared, or whether no further NEPA review is required, in accordance with 40 CFR 1502. 9 and DOE Order 451.1A. A supplemental analysis (SA) is prepared following the steps below.

Step #	Description	Performer	Support
Step 1	Evaluate the proposed action using the NEPA Analysis procedure.	Hanford NEPA Compliance Officer (NCO)	NEPA Compliance Team, cognizant mission element NEPA Document

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			Manager, Legal Counsel, NEPA SMEs, and Hanford SMEs
Step 2	Prepare the draft SA.	cognizant mission element NEPA Document Manager	cognizant mission element
Step 3	Review the draft SA.	Hanford NCO	NEPA SMEs, cognizant mission element NEPA Document Manager, and Legal Counsel
Step 4	Make one of the following recommendations to the DOE Manager: <ul style="list-style-type: none"> • Environmental Impact Statement (EIS) determination • no further NEPA review. 	Hanford NCO	NEPA SMEs, cognizant mission element NEPA Document Manager, and Legal Counsel
Step 5	Incorporate comments into the draft SA.	cognizant mission element NEPA Document Manager	cognizant mission element
Step 6	Make one of the following decisions: <ul style="list-style-type: none"> • EIS determination • no further NEPA review. 	DOE Manager	NEPA SMEs, cognizant mission element NEPA Document Manager, and Legal Counsel
Step 7	Make SA and conclusion available to the public.	cognizant mission element NEPA Document Manager	Hanford Advisory Board/Public Involvement Manager
Step 8	Transmit the final SA (hard copies and electronic files) to Headquarters.	Hanford NCO	NEPA SMEs

Exhibit I – Flow Diagram
NEPA Analysis

