NEPA

National Environmental Policy Act

LESSONS LEARNED

U.S. Department of Energy

Quarterly Report

March 1, 1996

For 1st Quarter FY 1996

Inside *LESSONS LEARNED*

Welcome to the newly-revised Quarterly Report of Lessons Learned in the NEPA process. In response to reader suggestions, we have expanded the scope of the report to provide a wider variety of NEPA-related information, and enhanced the format for better clarity and overall readability. This Quarterly Report includes:

- NEPA lessons learned at the Hanford Site - Page 1
- Mini-guidance on the preparation of EIS summaries, properly eliminating alternatives and impacts from detailed analysis, application of DOE NEPA regulations to procurement, and NEPA questions and answers - Pages 3-6
- Updates on the proposed amendments to DOE's NEPA regulations, NEPA Contracting Reform Guidance and an upcoming workshop, the Federal Environmental Quality Awards program, and a Lessons Learned alert - Page 7
- First quarter FY 1996 Lessons Learned Questionnaire results, including EIS and EA cost and time reports, and the cumulative median cost of EAs - Pages 8-15

Please let us know what you think of the format and content of this report by completing the evaluation form on page 17 and returning it to us.

Carol Borgstrom
Director
Office of NEPA Policy and Assistance

As a result of analyses conducted during the NEPA process, DOE decided not to construct six new high-level waste tanks similar to these shown under construction at Hanford during the 1970's, saving over $400 million.

A NEPA SUCCESS STORY:
Environmental Impact Statement for the Safe Interim Storage of Hanford Tank Wastes

A key stakeholder in the Pacific Northwest has praised the DOE NEPA staff for "a job well done" in the preparation of the environmental impact statement for the Safe Interim Storage of Hanford Tank Wastes.

In a recent letter from the Confederated Tribes of the Umatilla Indian Reservation to John Wagoner, Manager, Richland Operations Office, and Mary Riveland, Director, Washington State Department of Ecology (Ecology), the tribal organization commended the management of the Hanford tanks EIS process as an "excellent example" for others to follow.

The EIS process differed from typical DOE NEPA planning processes, according to the tribal program manager, J.R. Wilkinson, in at least two regards: the EIS staff "actually changed the scope of their proposed project in response to criticism" from the public, and the EIS staff "made concrete, enforceable commitments to specific mitigation actions" in the Record of Decision.

The enthusiastic stakeholder appreciation of the NEPA process for Safe Interim Storage of Hanford Tank Wastes is one feature of this successful case history, which provides important lessons on NEPA's influence on decision-making, the benefits of full and open stakeholder participation, and practical aspects of managing the NEPA process. Moreover, as a result of reevaluations of the project in the course of the NEPA process, the Department has decided not to construct six new waste tanks, resulting in a savings of $435 million.

Carolyn Haass of the DOE Richland Operations Office and Geoff Tallent of Ecology managed a combined NEPA/State Environmental Policy Act (SEPA) process in coordination with Paul Dunigan, Richland's NEPA Compliance Officer.

A NEPA success story (Continued)

Their staffs met an aggressive schedule for preparing a Final EIS, Record of Decision, and Mitigation Action Plan. They also addressed tribal and other stakeholder concerns, which resulted in DOE changing its preferred alternative in the Final EIS and making commitments in the Record of Decision to enforceable mitigation strategies.

NEPA's Impact on Decision Making

When the Draft EIS was issued in July 1994, the preferred alternative was to construct up to six new high-level waste storage tanks. Political support for the alternative was strong, as speedy completion of the EIS would meet Tri-Party (DOE, Environmental Protection Agency, State of Washington) Agreement milestones, and the socioeconomic impacts of the $435 million proposal looked very beneficial. Dr. Don Alexander was the Richland NEPA Document Manager at that time, and, faced with public skepticism of a predetermined outcome and an analysis that did not support the preferred alternative, he and Ms. Haass championed a change in course. Through Dr. Alexander's direction, reevaluations of waste volume projections and management practices led DOE to abandon its preferred alternative and pursue renegotiation of the Tri-Party Agreement. This change would save the Department hundreds of millions of dollars in construction and operations costs. Ms. Haass and Robert Lober, Project Manager, then developed the new preferred alternative for safe tank waste management, consisting of a replacement cross-site transfer system with continued use of mixer pumps in the hydrogen-generating tank SY-101. This became the preferred alternative presented in the Final EIS and chosen in the Record of Decision.

Mitigation Commitments Reassure Stakeholders

State and Federal fish and wildlife agencies both acknowledged Richland Operations Office's cooperation in developing an effective Mitigation Action Plan. "The U.S. Fish and Wildlife Service considers the development of this plan to be a significant positive indication of DOE's increasing awareness and stewardship of the invaluable natural resources it manages at Hanford. . . . We commend the Safe Interim Storage project staff for their coordination efforts with natural resource agencies since the early phases of the project, and their responsiveness to our suggestions," wrote Philip Laumeyer, Field Supervisor.

Tribal stakeholders, too, were reassured by the mitigation commitments. Mr. Wilkinson wrote that the staff "deserve recognition for demonstrating the integrity to make concrete, satisfactory commitments to mitigation in their NEPA Record of Decision."

EIS Manager Carolyn Haass confers with J.R. Wilkinson, Program Manager, Confederated Tribes of the Umatilla Indian Reservation, regarding the Safe Interim Storage Environmental Impact Statement.

Process Streamlining and Contracting Efficiency

The DOE and Ecology EIS Document Managers exploited opportunities to reduce process overlaps, saving both time and money:

- Scoping meetings and Notices of Intent were combined for the Safe Interim Storage and the Tank Waste Remediation System EISs.
- DOE and Ecology agreed to co-prepare a single EIS for Safe Interim Storage, satisfying both the NEPA and SEPA processes.
- This EIS project established a Hanford resource library that will support the efficient preparation of future Hanford EISs. Preparers of the Hanford Plutonium Finishing Plant EIS are using this resource to reduce research costs and preparation time.

Cost and time savings were attributed to the use of a general support services contractor, with the following advantages:

- The support services contractor had been selected through a competitive process before the start of this EIS, thus avoiding the delay and costs of a separate procurement process.
- The NEPA support contractor did not have a steep learning curve because of its familiarity with the Hanford Site and its contractors, its expertise in NEPA, and its access to qualified local and national resources.

The Summary: What Everyone Reads

The Summary is a key section of an EIS because it provides the sharpest definition of the issues and basis for choice among options. For many readers the Summary forms their first and last impression of the document (i.e., it is the only section that many people read).

In view of its importance, we present here lessons learned in preparing an EIS summary.

The EIS Summary provides the sharpest definition of the issues and basis for choice among options...

- The Council on Environmental Quality's NEPA regulations (40 CFR 1502.12) state that the purpose of the Summary is to adequately and accurately summarize the environmental impact statement. The regulations require the Summary to emphasize major conclusions, areas of controversy (including issues raised by agencies and the public), and the issues to be resolved (including the choice among alternatives). The Summary normally should not exceed 15 pages.

- The Summary should not introduce ideas, information, or conclusions that are not otherwise in the EIS. To the greatest extent practicable, the Summary should use material from the body of the EIS as a means of assuring strict consistency. When the Summary requires new writing to meet editorial requirements, be sure such writing merely summarizes and does not change the EIS.

- The most successful summaries (and EISs) focus on the key issues and make effective use of graphics and tables to present and compare the environmental impacts of the proposal and the alternatives. Less effective summaries carry forward trivial impacts that tend to obscure the real issues.

- In summarizing complex information, some EIS preparers have oversimplified presentations and thereby misled the reader. The challenge is to convey both the absolute and relative importance of each impact. If an impact is at a trivial level for each alternative, then relative differences are not important. [Example: If all alternatives would generate less than $10 of socioeconomic impact, it does not matter that one alternative would generate 5 times as much as another. Rather, all alternatives would have essentially no impacts.]

- One should also guard against "rolling-up" impacts that readers (including decision makers) may value differently, such as risks to workers vs. risks to the public, or (near-term) risks from facility operations vs. delayed (long-term) risks from disposal. Similarly, impacts should not be combined when their uncertainties are very different, such as estimated deaths from construction accidents (well-established frequency) vs. estimated deaths from certain nuclear materials handling accidents (relatively much less certain).

- Because of the difficulties expressed in the two preceding paragraphs, several well-motivated simplification attempts have not succeeded, such as ranking alternatives according to their environmental impacts, and using bar charts or circle displays that Consumer Reports has successfully applied to significantly different circumstances. These efforts were not published in NEPA documents because they were too subjective or incomplete, and therefore potentially misleading.

- It may be useful to have “fresh eyes” prepare the Summary, as a check on how well the EIS is “telling its story,” and to identify any gaps or inconsistencies in the EIS.

- For an EIS being prepared under a contract, the Summary is one of several sections that may be suited to a fixed-price arrangement because the requirements for a summary are easy to specify. Readers are referred to “National Environmental Policy Act Contracting Reform Guidance: Phase II,” issued by the Office of NEPA Policy and Assistance in December 1995.

The Summary should not introduce ideas, information, or conclusions that are not otherwise in the EIS...

REMINDER: Lessons Learned Questionnaires for all NEPA documents completed during the second quarter of FY 96 (January 1, 1996 to March 31, 1996) should be submitted as soon as possible after document completion, but no later than May 1, 1996. (Fax: 202-586-7031) The Lessons Learned Questionnaire is now available on the DOE NEPA Web [http://www.eh.doe.gov/nepa] on the Internet.

Eliminating Alternatives or Impacts from Detailed Analysis: Need for Care

By eliminating unreasonable alternatives or unimportant impacts from detailed analysis, NEPA documents can be made shorter and more focussed. Council on Environmental Quality regulations state that impacts should be discussed in proportion to their significance, with only a brief discussion of other than significant issues [40 CFR 1502.2(b)], and that brief discussions of the reasons for eliminating alternatives from detailed consideration should be provided [40 CFR 1502.14(a)].

Preparers of certain recent NEPA documents made good judgments regarding which alternatives or impacts to dismiss from detailed consideration, but stated the reasons poorly. For example, a recent EIS was drafted to say: "The potential impacts associated with off-site waste disposal sites are not evaluated in detail as the potential impacts would provide additional adverse consequences beyond those addressed here." [sic]

A different EIS was drafted containing a list of criteria used to screen candidate alternatives that the public recommended during the scoping process. The first criterion listed was: "Is the alternative within the scope of the EIS?" This criterion could be interpreted as dismissing any alternative that DOE had not previously included in the scope, which would defeat the purpose of the public scoping process. A separate criterion stated that a proposed new alternative must be substantially different from those already included in the scope of the EIS to qualify for further consideration, which would foreclose consideration of improvements that were not substantially different.

EIS Distribution: Common Sense Approaches

Is the Department required to distribute an entire draft or final EIS to all? We could save money and time by distributing only the Summary.

Several practical considerations bear on this question. The costs of printing and distributing large documents are significant, and agencies have been loudly criticized for sending such documents to people who did not want or need them. On the other hand, DOE wants to provide full information promptly to those who do want it. Council on Environmental Quality regulations (40 CFR 1502.19) state the requirements for distributing EISs. Generally, agencies must circulate the entire draft and final EIS; if the EIS is unusually long (many EISs fit in this category), agencies may circulate the Summary instead.

There are exceptions to this rule, however.

An entire draft EIS must be sent to:

1. Any Federal Agency that 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.

2. The applicant, if any.

3. Any person, organization or agency requesting the entire draft EIS.

The rules are the same for final EISs, plus: an entire EIS must be sent to anyone who may have provided "substantive comments" on the draft EIS. If in doubt, we recommend providing the entire document or consulting the Office of NEPA Policy and Assistance for advice when that may not be appropriate (e.g., see hint below regarding letter-writing campaigns).

EIS managers should keep in mind that, for both draft and final EISs, 40 CFR 1502.19 requires that, "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."

Helpful Tips

- To save time and money, several EIS managers have asked potential EIS reviewers whether they want to receive the entire EIS, only the Summary, or certain volumes. Post card solicitations have worked well; solicitations at scoping meetings have also been successful. We recommend that solicitations describe each EIS volume, including its page length, so that people can informedly decide what they want to receive.

- Transmittal letters distributing the Summary should identify the make-up of the full EIS, the size of each part, and how to obtain the parts one may want.

- Although not necessarily required, stakeholders affected by the preferred alternative and major environmental interest groups generally should be sent the entire document unless they have said they do not want it.

(Continued on next page)

EIS Distribution (Continued)

- If hundreds of persons send virtually identical letters to DOE expressing a simple opinion on the proposed action (e.g., “Not in my backyard”), then it may be inappropriate to send each of them the entire EIS. Send a Summary and a transmittal letter describing the remaining available documents, as discussed above, and make it very convenient to request and promptly obtain additional information.

Application of DOE NEPA Regulations Regarding Procurement

Section 1021.216 of the Department's NEPA regulations applies to competitive and limited-source procurements, to awards of financial assistance by a competitive process, and to certain joint ventures entered into as a result of competitive solicitations. (Parts of section 216 apply as well to sole-source procurements and joint-ventures and to non-competitive awards of financial assistance.) These provisions, used successfully in the past in the Clean Coal Technology Program, enable the Department to make progress in procurement before completing the NEPA process.

The Department increasingly is exploring contracting opportunities that allocate more of the economic risk of its proposed actions to the private sector than in the past. Such “privatization” approaches pose challenges in integrating the NEPA and procurement processes because, in many cases, only the candidate vendors can provide information that may be needed to complete the NEPA process. On the other hand, it will often be appropriate to complete the NEPA process before proceeding with the procurement -- for example, to support decisions on the procurement objectives.

A further challenge in integrating the NEPA and procurement processes is rooted in the tendency of procurement activities to limit the choice of reasonable alternatives or prejudice programmatic decisions. An attempt to complete the NEPA process before the procurement by covering all possible approaches in a so-called “bounding” NEPA analysis might yield an inadequately detailed analysis or one that misses a tecnology that a vendor might later propose; in such cases, the NEPA document may then need to be supplemented or redone. Alternatively, section 216 enables the Department to make progress in the procurement by considering environmental factors in the selection process as follows:

- When relevant in DOE's judgment, DOE specifies in its solicitation that offerors submit in their proposals environmental information reasonably available to them.

- DOE independently verifies the accuracy of the information and, for offers in the competitive range, prepares an “environmental critique” based on an offeror’s data or supplemental information. The critique is subject to the confidentiality requirements of the procurement. See section 216(f) and (g) for details.

- DOE prepares a publicly available environmental synopsis, based on the critique, to document the consideration given to environmental factors. After selection is made, the synopsis shall be filed with the Environmental Protection Agency.

- DOE prepares an EA or EIS, as appropriate, before taking any action pursuant to the contract or award of financial assistance (except for allowable interim actions) and incorporates the environmental synopsis into that document. If the NEPA process is not completed before contract award, then the contract should be contingent.

Keys Points for the Request for Proposals

- Require needed environmental data and analyses to be provided as a part of the offeror’s proposal.

- Indicate that environmental factors will be among the factors to be considered in contract award.

- If the NEPA process is not completed before contract award:

  -- Limit contracted activities to only those allowable under Council on Environmental Quality and DOE NEPA regulations regarding interim actions (40 CFR 1506.1 and 10 CFR 1021.211, respectively) until the NEPA process is completed.

  -- As appropriate, require offerers to submit further data to support DOE's completion of the NEPA process.

Questions and Answers

Q: Must the no action alternative be assessed in DOE environmental assessments (EAs)?

A: Yes. DOE NEPA regulations are clear about this: "...In addition to any other alternatives, DOE shall assess the no action alternative in an EA even when the proposed action is specifically required by legislation or a court order." (10 CFR 1021.321(c)). Council on Environmental Quality regulations explicitly require assessment of the no action alternative only for EISs, which may explain why this question arises at DOE from time-to-time.

Q: What is the appropriate timeframe for which environmental impacts should be analyzed? We analyzed the impacts that would occur during the 10-year horizon for reasonably foreseeable actions in our site-wide EIS, and lost time when we were asked to go back and analyze impacts over a longer timeframe.

A: In general, impacts should be analyzed for as long as they are reasonably expected to occur.

This question reflects confusion regarding reasonably foreseeable actions and their reasonably foreseeable resulting impacts. To illustrate, consider sitewide EISs in which the Department has used, as a point of departure, a 10-year horizon or window within which it is reasonable to project activities that may occur and whose impacts should be analyzed. If a project were proposed to start during the 8th year, however, and is estimated to have a duration of 15 years, it would not make sense to analyze operational impacts for only 2 years. In such a case, operational impacts should be analyzed for at least 15 years (13 years beyond the 10-year horizon). In addition, impacts such as those related to decommissioning may need to be considered beyond the operational lifetime, and waste disposal impacts may occur hundreds or thousands of years from the time that disposal activity took place. [Note: readers may wish to refer to the top of page 21 of the "Green Book" (*Recommendations for Preparing Environmental Assessments and Environmental Impact Statements*) for further information on the relationship between project duration and time periods for assessing health effects.]

Q: Is there a need for a DOE NEPA document to assess local impacts associated with the ongoing operation of an already-licensed off-site vendor facility to which DOE proposes to send waste for treatment or disposal?

A: Yes. The vendor's action regarding DOE's waste would be connected to DOE's action, and analysis of impacts from the vendor's action therefore is within the scope of DOE's NEPA review obligation (see 40 CFR 1508.25(a)).

Ideally, DOE should assess the impacts no differently than if DOE operated the facility. Such analysis should be guided by the "sliding scale" principle described in *Recommendations for the Preparation of Environmental Impact Statements and Environmental Assessments*; i.e., the level of detail should be commensurate with the importance of the impacts or issues related to the impacts. If DOE's proposed waste load would be a small part of the facility's throughput and the facility would operate well within its established standards, then the vendor's part of DOE's proposal would be low on the scale, and a statement of this context could adequately characterize the impacts. More detailed analysis might be needed, however, when such conditions do not apply. DOE may then need to obtain adequate information from the candidate vendor(s) (perhaps under the provisions of 10 CFR 1021.216, as discussed on page 5 of this Lessons Learned Report) or conduct the NEPA review with incomplete or unavailable information (see 40 CFR 1502.22 for applicable requirements).

Updates from the Office of NEPA Policy and Assistance

Proposed Amendments to DOE NEPA Regulations Published

The proposed amendments to DOE's NEPA regulations (10 CFR 1021) were published in the February 20, 1996, Federal Register for a 45-day public comment period ending April 5, 1996. The Office of Environment, Safety and Health distributed the proposed amendments widely to the Department's NEPA community and to external stakeholders. DOE is not scheduling any public meetings on the proposed amendments, but will arrange a public meeting if the public expresses sufficient interest.

Issuance of the final rule, scheduled for June 1996, will fulfill a critical milestone of Secretary O'Leary's Strategic Alignment Initiative 29, and is part of an overall plan to save $26 million over 5 years by streamlining the Department's NEPA process without compromising quality. Ray Clark, Associate Director for NEPA Oversight, Council on Environmental Quality, praised the amendments as "an excellent effort at streamlining the Department's NEPA process...without sacrificing environmental quality."

For further information or questions or to request copies of the proposed amendments, please contact John Pulliam, Office of NEPA Policy and Assistance by phone (202) 586-4597 or fax (202) 586-3915, or by electronic mail to the following internet address: neparule@spok.eh.doe.gov.

NEPA Contracting Reform Workshop

Establishing New Contracts
Managing Support Contracts

Register now for the
NEPA Contracting Reform Workshop
March 21-22, 1996
Forrestal Building, Washington D.C.

Contact Carolyn Osborne, Office of NEPA Policy and Assistance, 202-586-4596, fax 202-586-7031, or e-mail to nepa.contracting@spok.eh.doe.gov.

Contractor Performance Evaluation is a New Requirement

To create incentives for good performance and to help in awarding future assignments, the DOE NEPA Order (DOE 451.1) requires a NEPA Document Manager to evaluate contractor performance at the conclusion of each EIS and EA. With proper planning and coordination, this evaluation can also meet the Contracting Officer's new responsibilities under the 1995 amendments to the Federal Acquisition Regulation. Detailed procedures and the evaluation form may be found in section 7 of NEPA Contracting Reform Guidance; Phase II, of December 1995. Questions may be addressed to Yardena Mansoor, Office of NEPA Policy and Assistance, fax (202) 586-7031or e-mail to nepa.contracting@spok.eh.doe.gov.

CEQ Awards Program

The Council on Environmental Quality and the National Association of Environmental Professionals cosponsor the Federal Environmental Quality Awards for excellent NEPA actions and agency NEPA programs. Last year, DOE received the award for best agency NEPA program. We do not intend to nominate the Department's NEPA program again this year, but we encourage you to nominate any actions or programs that should be recognized. We have supplied the nomination form to NEPA Compliance Officers. Nominations are due April 1, 1996.

Questions may be addressed to Stephen Simpson, Office of NEPA Policy and Assistance, 202-586-0125, fax 202-586-7031, or e-mail to stephen.simpson@eh.doe.gov.

Lessons Learned Alert: Public Participation for Environmental Assessments

Recently, a stakeholder complained that the local newspaper had announced a 14-day environmental assessment comment period 4 days into that period. Apparently, there had been no previous public notification regarding the pending EA.

As discussed in the fifth Quarterly Report of Lessons Learned, issued December 1, 1996, DOE's policy is to issue an early public notice of the Department's intent to prepare an environmental assessment (concurrent with state/tribal notification) and to provide an opportunity for interested parties, on request, to review environmental assessments (concurrent with state/tribal review) before approval. By planning appropriately, it should be easy to ensure that the public and interested stakeholders are notified before or at the beginning of the comment period.

First Quarter FY 1996 Questionnaire Results

To foster continuing improvement of the Department's NEPA Compliance Program, DOE Order 451.1 requires the Office of Environment, Safety and Health to solicit comments on lessons learned in the process of completing NEPA documents and to distribute quarterly reports. This Quarterly Report covers documents completed between September 1 and December 31, 1995. It is based on responses to the revised questionnaire dated January 19, 1996 and to the previous questionnaire dated January 12, 1995.

Editor's Note: Some of the material presented here reflects the personal views of individual questionnaire respondents, which (appropriately) may be inconsistent. Therefore, unless indicated otherwise, views reported herein should not be interpreted as recommendations from the Office of Environment, Safety and Health.

NEPA Document Content

Questionnaire respondents described the following problems and innovative approaches used in scoping, collecting data and analyzing impacts for EAs and EISs.

Scoping

➔ Problems included the need to rescope in light of new information and the discovery that information presented to the document team was inaccurate.

➔ Providing focused information fostered beneficial public participation. It is also important to include project engineers in all public and state meetings.

➔ Informational public workshops before formal scoping meetings aided in educating the public on scope of the EIS before formally soliciting input on the EIS scope. Follow-up meetings with key stakeholders on their comments were also useful.

Collecting Data

➔ **Problem:** Inconsistencies in site and program data, such as facility emissions.

Solution: The EIS contractor recalculated emissions from available engineering data and resolved inconsistencies by independent analysis.

Analyzing Impacts

➔ Key related documents were evolving (e.g., Preliminary Safety Analysis Report) as the EIS was being prepared. This posed challenges in ensuring an adequate analysis of accidents.

Document Preparation Process

Respondents offered the following comments on aspects of the NEPA document preparation process:

DOE Teamwork

➔ NEPA Compliance Officer and Document Manager roles and responsibilities were not clear, resulting in conflicts.

➔ Interdisciplinary project team made of Field and Headquarters members was active over extended periods of time, thus retaining valuable "corporate memory."

Teamwork between DOE and Contractors

➔ Dispute between DOE and [the applicant] over the scope of the EA (whether construction was to be included) led to conflicting direction to the contractor (who was being paid by [the applicant]) until the dispute was settled.

Public Reactions to NEPA Process

➔ Some interest groups and Tribes believed that DOE funding was essential for them to participate effectively in the process.

Adequacy of Resources

➔ Competing DOE requests upon knowledgeable Management and Operations Contractor staff hindered NEPA document preparation.

➔ To a certain degree the process could have been expedited by additional Federal staff.

➔ Manager expected instant attention from all staff on the team, conflicting with other workloads.

First Quarter FY 1996 Questionnaire Results

Further Guidance Needs

➔ According to respondents, specific approaches for dealing with environmental justice and accident effects on "involved workers" need to be identified. Also, specific approaches for accident effects on the environment need to be identified and coordinated with Safety Analysis Report requirements. [**Editor's note:** See guidance provided in Lessons Learned Quarterly Reports dated June 1, 1995 (environmental justice) and September 1, 1995 (involved workers). Also, an "update" in the December 1, 1995 issue, highlighted the need to coordinate NEPA document preparation and Safety Analysis Reports.]

Protection/Enhancement of the Environment

A new question was added to the latest version [Revision II, dated January 14, 1996] of the Lessons Learned Questionnaire asking if the environment was protected or enhanced as a consequence of the NEPA process.

➔ Several commentors indicated that the NEPA process had protected the environment or had minimized further risk, without jeopardizing project needs. For one respondent, however, the NEPA process had little or no impact on the environment because no impacts were anticipated in the first place.

Public Participation Process

What was successful?

➔ Asking participants to complete post cards indicating which documents they wanted saved time and money.

➔ Describing environmental issues and alternatives before requesting public participation establishes credibility and provides something concrete for the public to improve upon.

➔ It was useful to conduct consolidated information workshops on multiple (3) EISs before separate, formal scoping meetings.

➔ Face-to-face meetings with principal public commentors helped DOE to interpret their comments and to modify or expand the analyses and discussions in the EIS.

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What was not?

➔ A press release was sent out announcing the availability of the EA for review, but this was not published in any area newspapers.

➔ Notices were sent to a tribe at a time of the year when members were involved in cultural preparations for tribal concerns, and no response was received. This highlights the importance of being sensitive to tribal concerns in scheduling NEPA activities.

➔ Technical terms need to be defined for the general public.

Effectiveness of the NEPA Process

Ratings

0 = Not effective at all
1 = Not very effective
2 = Somewhat effective
3 = Effective
4 = Very effective
5 = Highly effective

Questionnaire respondents were asked to rate the effectiveness of the NEPA process using a scale of 0 (NEPA process was not effective at all) through 5 (NEPA process was highly effective). Many respondents gave the NEPA process a high rating. One commented that the NEPA process was instrumental in a decision to select an appropriate subalternative. The fact that the NEPA Compliance Officer was well integrated with project management and that NEPA was understood by the engineering staff was also helpful. Another respondent concluded that without an EIS, a more expensive and unnecessary solution would have been selected.

In another case, a respondent indicated that an EIS led to several technical, economic and resource utilization studies that historically might not have been performed. This greatly improved DOE's basis for the decisions made as well as the Department's overall credibility. One commentor noted that major program decisions were made or changed based on the NEPA process, including a decision not to spend $435 million on an initially preferred alternative.

For a respondent who gave the NEPA process a moderate rating of 3, the insignificance of the impacts was obvious from the start. Another respondent stated that the NEPA process helped inform the agencies and supported decision making, and that it was the primary or only mechanism for getting to the ultimate action.

Respondents gave several reasons for low NEPA effectiveness ratings, one being that the final outcome of the NEPA document was influenced primarily by budget reductions and not by the NEPA process. Another reason was that the decision to pursue the general action had already been made by the line organization and the NEPA process only served to refine the scope of the action.

Seventy-six percent of respondents stated that the NEPA process effective (rating 3 or higher) in agency planning and decision making, in the following ways:

- ☑ Led to technical, economic and resource utilization studies
- ☑ Improved DOE's basis for decisions/ improved DOE's credibility
- ☑ Facilitated understanding of project needs and public interest
- ☑ Established ongoing communications
- ☑ Supported agencies' responses to Endangered Species Act consultation

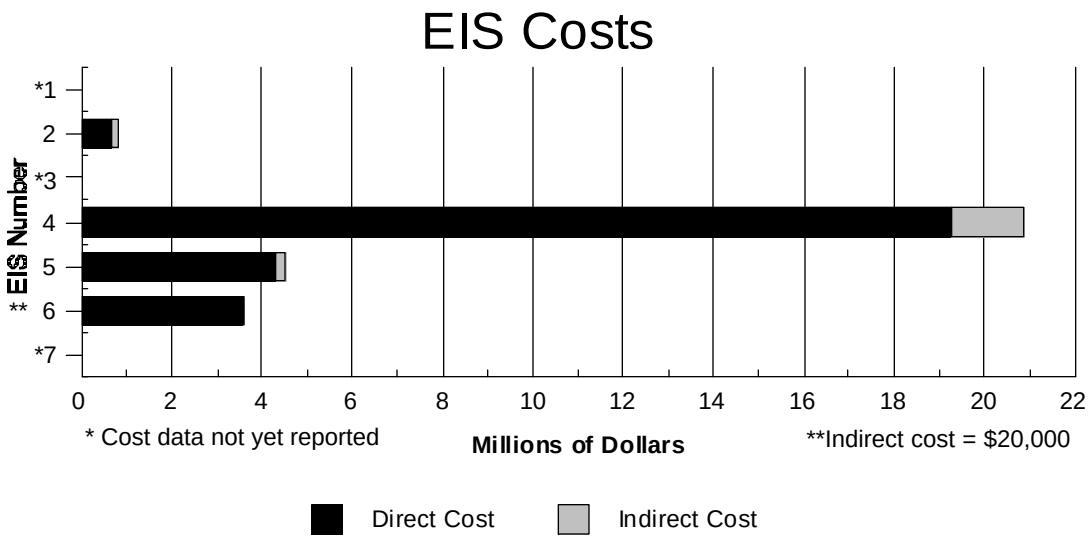
NEPA Effectivness Rating	# of Respondents	% of Respondents
0	1	3%
1	4	13%
2	2	7%
3	7	23%
4	7	23%
5	9	30%

Editor's note: Although it is difficult to be sure, respondents seem to be evaluating the NEPA process as more effective recently than they had earlier. In this reporting period and the last, more than 70% of respondents evaluated the effectiveness as 3 or higher. In each of the four previous periods, however, less than half of the respondents rated NEPA effectiveness as 3 or higher. We hope this trend continues.

EIS Cost Data

Facts

- NEPA process cost data were reported for 4 of the 7 EISs completed in this quarter.
- Budget data were reported for 2 EISs, neither of which were completed within budget.
- Direct cost data were reported for 4 EISs; the median direct cost was $3.9 million.
- Cumulatively (over this and the previous five reporting periods), the median direct cost for the preparation of 19 EISs was $700,000; the average direct cost was $4.2 million.
- Total project costs were reported for 2 EISs for which NEPA process costs represented .1% and 1% of the total project costs.



Note: For this reporting period, direct costs are defined as costs paid to contractors who prepare NEPA documents and indirect costs are defined as other costs, including costs incurred by Federal staff. Future Lessons Learned Reports will be based on definitions and reporting methods presented in NEPA Contracting Reform Guidance: Phase II, issued December 1995.

EISs Completed

Bonneville Power Administration

1 = Columbia River System Operation Review EIS, DOE/EIS-0170, EPA rating: EC-2

2 = Resource Contingency Program, DOE/EIS-0230, EPA rating: EO-2

3 = Delivery of Canadian Entitlement, DOE/EIS-0197, EPA rating: EC-2

Defense Programs

4 = Tritium Supply and Recycling Programmatic EIS, DOE/EIS-0161, EPA rating: EC-2

Savannah River Site/Environmental Management

6 = Interim Management of Nuclear Materials, Savannah River Site, Aiken, South Carolina, DOE/EIS-0220, EPA rating: EC-1

Western Area Power Administration

7 = Salt Lake City Area Integrated Projects Electric Power Marketing EIS , DOE/EIS-0150, No rating

Richland Operations Office/Environmental Management

5 = Safe Retrieval, Transfer and Interim Storage of Hanford Tank Wastes, Hanford Site, Richland, Washington, DOE/EIS-0212, EPA rating: LO

ENVIRONMENTAL PROTECTION AGENCY (EPA) RATING DEFINITIONS:

Adequacy of the Impact Statement
Category 1 — Adequate
Category 2 — Insufficient Information
Category 3 — Inadequate

Environmental Impact of the Action
LO — Lack of Objections
EC — Environmental Concerns
EO — Environmental Objections
EU — Environmentally Unsatisfactory

EIS Completion Times

Facts

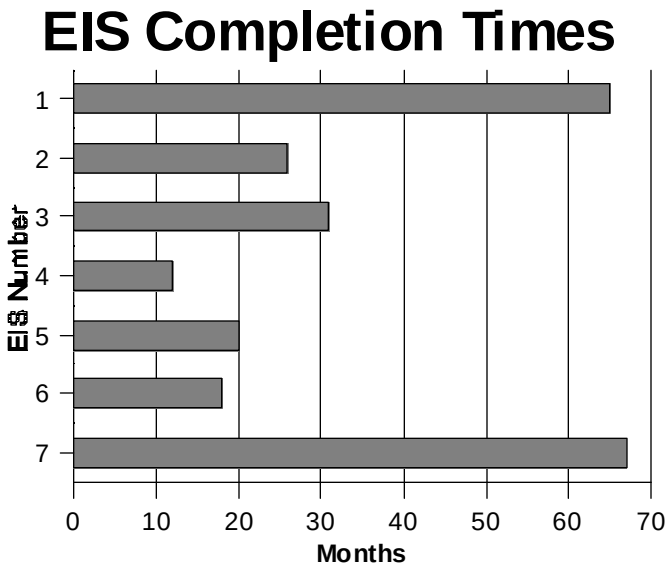
- The median completion time for 7 EISs was 26 months (range:12 to 67 months).
- Cumulatively (over this and the previous five reporting periods), the median completion time for 25 EISs was 26 months.
- 2 out of 6 EISs reporting scheduling information were completed on schedule; 4 were not.
- For 4 EISs the NEPA process was initiated early enough to avoid being on a critical path; for 1 EIS it was not. Respondents for 2 EISs did not report on this question.

Respondents submitted the following comments on EIS completion time:

➔ Defining the required types of information early in the process facilitated timely completion of EISs.

➔ Complex scope, controversial issues associated with many alternatives, three equal lead agencies, and inconsistency in site and program data inhibited timely completion of EISs.

➔ Centralized mailing processing and distribution and establishment of technical workgroups were effective in keeping the document on schedule.



EISs Completed

Bonneville Power Administration

1 = Columbia River System Operation Review Final EIS, DOE/EIS-0170
2 = Resource Contingency Program, DOE/EIS-0230
3 = Delivery of Canadian Entitlement, DOE/EIS-0197

Defense Programs

4 = Tritium Supply and Recycling Programmatic EIS, DOE/EIS-0161

Richland Operations Office/Environmental Management

5 = Safe Retrieval, Transfer and Interim Storage of Hanford Tank Wastes, Hanford Site, Richland, Washington, DOE/EIS-0212

Savannah River Site/Environmental Management

6 = Interim Management of Nuclear Materials, Savannah River Site, Aiken, South Carolina, DOE/EIS-0220

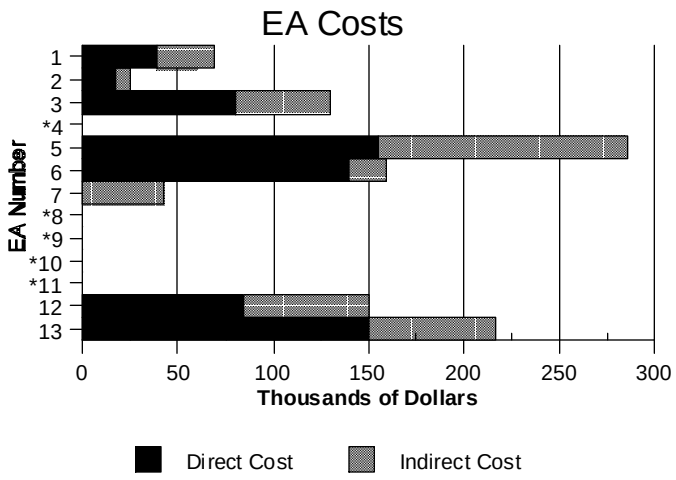
Western Area Power Administration

7 = Salt Lake City Area Integrated Projects Electric Power Marketing EIS , DOE/EIS-0150

EA Cost Data

Facts

- Thirteen EAs were completed this quarter; NEPA process cost data were reported for 8 EAs.
- Budget data were reported for 7 EAs, 3 of which were completed within budget.
- Direct cost data were reported for 8 EAs; the median direct cost was $82,500.
- Cumulatively (over this and the previous five reporting periods), the median direct cost for the preparation of 70 EAs was $80,000; the average direct cost was $126,000.
- Total project costs were reported for 4 EAs; NEPA process costs represented .2%, 2.4%, 2.9% and 3.2% of the total project costs.



* Cost data not yet reported

** Direct cost = $0

EAs Completed

Albuquerque Operations Office
Carlsbad Area Office

1 = Carlsbad Environmental Monitoring and Research Center, Carlsbad, New Mexico, DOE/EA-1081

Los Alamos Area Office

2 = Neutron Tube Target Loading Operations at Los Alamos National Laboratory, DOE/EA-1131

3 = Radioactive Source Recovery Program, Los Alamos National Laboratory, Los Alamos, New Mexico, DOE/EA-1059

Chicago Operations Office/ Energy Research

4 = Proposed Construction and Operation of the National Spherical Tokamak Experiment (NSTX), Princeton Plasma Physics Laboratory, Princeton, New Jersey, DOE/EA-1108

Naval Petroleum Reserves (Colorado, Wyoming, Utah)

5 = Sitewide Environmental Assessment for Continued Development of Naval Petroleum Reserve Number 3 (NPR-3), DOE/EA-1008

Ohio Field Office/Environmental Management

6 = Treatment of Low-level Waste and Low-level Mixed Waste, West Valley Demonstration Project, West Valley, New York, DOE/EA-1071

Bonneville Power Administration

7 = Conforth Ranch Wildlife Mitigation Project, Oregon, DOE/EA-1016

Richland Operations Office/Environmental Management

8 = Shipment of Uranium Billets to the United Kingdom, Richland, Washington, DOE/EA-1123

9 = Sludge and Residue Stabilization at the Plutonium Finishing Plant, Hanford Site, Richland, Washington, DOE/EA-1112

10 =Solid Waste Retrieval Complex-Phase 1 and Enhanced Radioactive/Mixed Waste Storage Phase 5 Facility, Hanford Site, Richland, Washington, DOE/EA-0981

Rocky Flats Field Office

11 =Protected Area Reconfiguration Project, DOE/EA-1132

Savannah River Operations Office

12 =Construction and Operation of Three Rivers Authority Office, DOE/EA-1079

Strategic Petroleum Reserve Project Office/ Fossil Energy

13 =Decommissioning of the Strategic Petroleum Reserve, Weeks Islands Crude Oil Storage Facility, Louisiana, DOE/EA-1051

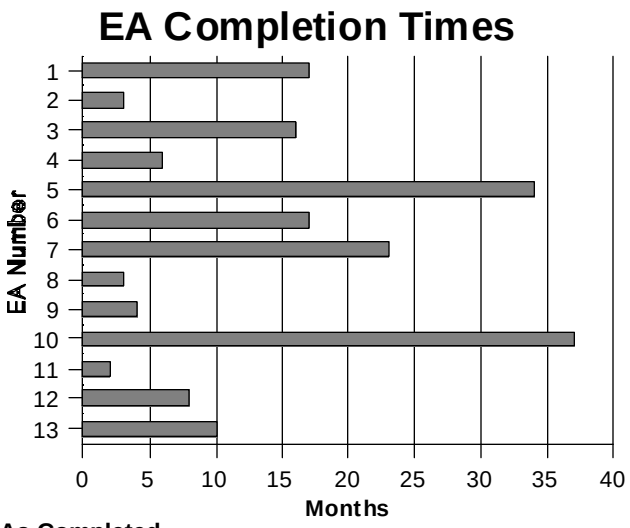
EA Completion Times

Facts

- The median completion time for 13 EAs was 9 months (range: 2 to 37 months).
- Cumulatively (over this and the previous five reporting periods), the median completion time for 120 EAs was 16 months.
- 2 out of 9 EAs for which scheduling information was reported were completed on schedule; 7 were not.
- For 8 EAs the NEPA process was initiated early enough to avoid being on a critical path; for 2 EAs it was not. Respondents for 3 EAs did not report on this question.

Respondents submitted the following comments on EA completion time:

- ➔ A simple proposed action and an uncomplicated EA analysis facilitated timely completion of EAs.
- ➔ An overly-optimistic original schedule based on a project that was not fully scoped inhibited timely completion of one EA.
- ➔ Reviewing the "Green Book," an effective and experienced group leader, and prompt responses from the line organization were effective in keeping the document on schedule.



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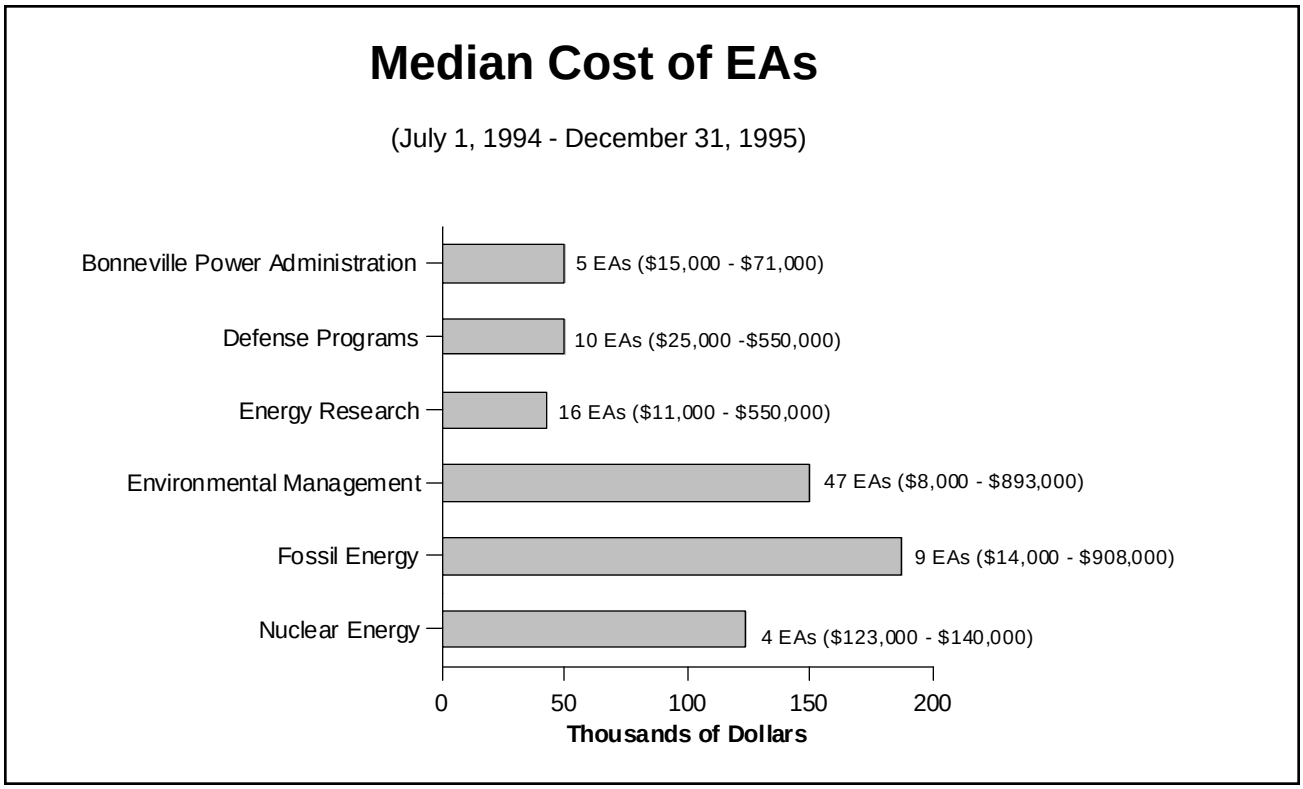
Food for Thought: EA Costs by Program Office

This chart illustrates the median EA cost for each Program Office for the period covering July 1, 1994 to December 31, 1995, based on only those completed EAs for which cost information is available. (Field Management, Fissile Materials Disposition and Southwestern Power Administration each completed one EA for which cost information was reported, and they are not shown on the chart.)



This chart should be intepreted very cautiously. For example, Document Managers have not applied cost estimation instructions uniformly and the instructions themselves have changed during the period represented in the chart. Secondly, some Program Offices may need to spend more on EAs than others because of differences in their proposed actions, the impacts, or necessary costs of obtaining pertinent subject matter expertise. Finally, the data, for the most part, are quite marginal statistically.

Nevertheless, these data may provide clues that, upon further examination, will suggest ways that DOE may reduce EA costs while maintaining adequate quality. The data are presented here to stimulate such examinations. The Office of NEPA Policy and Assistance will continue to study available data in consultation with NEPA Compliance Officers, and will report from time to time on the results.

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Fold the back of this page over and tape/staple closed.

How are we doing?

Does the new format of the Lessons Learned Report make the information easier to understand?

Which sections do you consider to be the most helpful? The least helpful?

What should be added to the report to make it more useful?

Please offer any other suggestions on how we may improve the Lessons Learned Quarterly Report.

Your name (optional)

FROM:

Stamp

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