

OAK RIDGE NATIONAL LABORATORY'S PHILOSOPHY AND APPROACH TO NEPA

Robert I. Van Hook

Director, Environmental Sciences Division

and

Helen M. Braunstein

Lorene L. Sigal

Carl C. Trettin

Oak Ridge National Laboratory*
Oak Ridge, Tennessee

DISCLAIMER

This report was prepared as an account of work sponsored by an agency of the United States Government. Neither the United States Government nor any agency thereof, nor any of their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or any agency thereof. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof.

*Managed by Martin Marietta Energy Systems, Inc., under contract DE-AC05-84OR21400 with the U.S. Department of Energy.

"The submitted manuscript has been authored by a contractor of the U.S. Government under contract No. DE-AC05-84OR21400. Accordingly, the U.S. Government retains a nonexclusive, royalty-free license to publish or reproduce the published form of this manuscript, or allow others to do so, for U.S. Government purposes."

CONFIDENTIAL

OAK RIDGE NATIONAL LABORATORY'S PHILOSOPHY AND APPROACH TO NEPA

In the last several years, a new environmental philosophy has developed in the Department of Energy (DOE). It was June of 1989, when the newly-appointed Secretary of Energy, James Watkins, announced his 10-point program for environmental protection and waste management. His goal was (and is) to restore the agencies' credibility and to provide environmentally responsible direction. The Secretary pledged his involvement and top management accountability and he said, "...if there is any doubt, the agency will err on the side of full disclosure and complete assessment of environmental impacts." The fourth of his 10 points was a commitment to improve compliance with the National Environmental Policy Act (NEPA) and to coordinate NEPA activities and review with host states. In February of 1990, Secretary of Energy Notice 15-90 (SEN-15-90) was issued. It revises DOE's NEPA procedures in order to correct past deficiencies and to accomplish the objectives in the 10-point program. In particular, SEN-15-90 emphasized early and adequate NEPA planning as essential and placed responsibilities for the quality and sufficiency of NEPA analysis with the line organizations. Moreover, it stated, "...that all Departmental activities are [to be] carried out in full compliance with the letter and spirit of environmental statutes and regulations." SEN-15-90 directed revisions to the DOE NEPA Order (which describes the responsibilities for NEPA) and revisions to its NEPA guidelines which are soon to be published as federal regulations (10 CFR 1021). Without question, there is a new NEPA culture at DOE.

The DOE integrated the NEPA process with its project management system. The NEPA review process starts at the conceptual design phase of a proposed action and results in a DOE determination and completion of the appropriate level of NEPA documentation before detailed design is started (Figure 1). At this point, no more than 15-20% of the estimated budget is expended. Thus, if the NEPA documentation reveals potential environmental impacts, it is not

too late to consider alternatives to modify the project or to incorporate mitigation actions if these should be required. The determination is either a categorical exclusion (CX; if the proposed action has no significant environmental impacts and is listed in the published list of CXs), an environmental assessment (EA; if it is unknown if the proposed action has significant environmental impacts) or an environmental impact statement (EIS; if the proposed action has the potential for significant environmental impacts). In order to ensure consistency in the agency-wide application of NEPA, NEPA Compliance Officers were designated in each headquarters office having NEPA responsibilities and in each of the field offices. As a result of SEN-15-90, there is an enhanced awareness of NEPA at DOE and considerable activity at the facility level to develop procedures to comply with the requirements.

KEY EVENTS IN PROJECT PLANNING

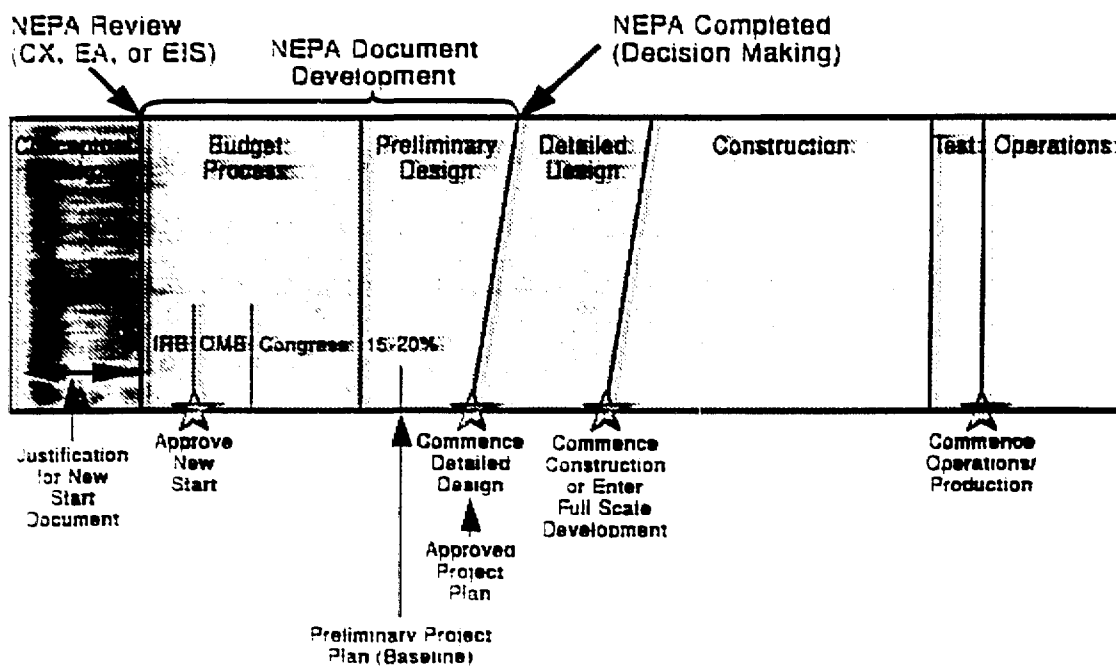


Figure 1. The place of NEPA among key events in project planning.

At Oak Ridge National Laboratory (ORNL), the overall responsibility for compliance with NEPA resides with the Environmental Review and Documentation Section that is within the Office of Environmental Compliance and Documentation (OECD). Organizationally, OECD is a line-management division reporting to the Director for Environmental, Safety and Health Compliance. Standard Operating Procedures for NEPA have been developed to ensure that the potential impact of each ORNL action is evaluated and the appropriate level of NEPA documentation is obtained. The cornerstone for NEPA compliance at ORNL is the Internal Environmental Assessment (IEA), which is designed to provide a basis for NEPA review and documentation. The Standard Operating Procedures also provide for records management, training, and auditing.

The IEA provides a project description and a review of environmental, health and safety issues. The IEA is prepared by ERDS, based on an Environmental Summary Questionnaire that is filled out by the project manager. The completed IEA is used by ERDS to make recommendations to DOE regarding the appropriate level of NEPA documentation required for the action (Figure 2). NEPA documents which may be prepared by ERDS include the Categorical Exclusion, Abbreviated Environmental Assessment, and Environmental Assessment; actions requiring Environmental Impact Statements are prepared by DOE. IEAs are not prepared for actions that are included within an approved Consolidated Categorical Exclusion (Figure 2). However, these actions are documented by ERDS with a Letter to File.

Once DOE determines the appropriate level of NEPA documentation, ORNL prepares the draft documents. These draft documents are submitted to DOE for review and approval. The review and approval procedure can involve four administrative levels within DOE in addition to Martin Marietta Energy Systems review. Most of the NEPA decisions are made at DOE Headquarters. However, some of the program offices have delegated the authority for CX determination to the field offices. In these cases, the time required for NEPA decisionmaking is

foreshortened. Actions are not initiated at ORNL until an approved NEPA document is received by the site, and ERDS issues a certificate which verifies that the action has an approved NEPA document.

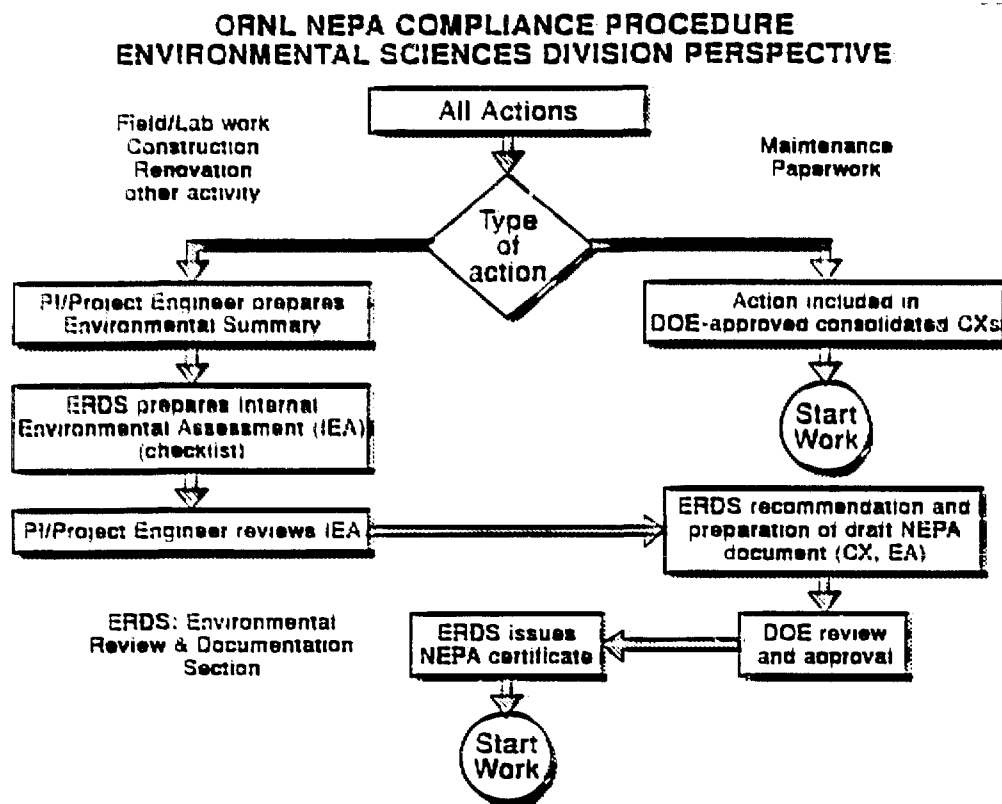


Figure 2. Environmental Sciences Division overview of the ORNL NEPA compliance procedure. Based on a detailed procedure for NEPA document preparation, review and approval.

The relatively recent DOE initiative for agency-wide compliance with NEPA has created areas in which ORNL has found itself lacking adequate resources and expertise. For example, NEPA training for contractors (e.g., principal investigators, project engineers) has not been provided and budgets have not reflected costs associated with preparation of NEPA documents

and oversight activities. In addition, the various DOE program offices have not coordinated their NEPA procedures. As a result, ORNL is subject to several sets of somewhat differing requirements for NEPA. Both DOE and ORNL share concerns about the length of the NEPA review, documentation and approval process; however, the process has improved since the early days of SEN-15-90 and authority for NEPA approvals is being redelegated to the field offices.

Throughout ORNL, there is strong management support for compliance with NEPA which has resulted in enhanced awareness and implementation of the NEPA requirements. Guidance is being provided and Laboratory divisions are factoring early integration of NEPA into their project planning with the goal of ensuring that their activities are carried out in full compliance with the letter and the spirit of NEPA and the other environmental statutes and regulations.