The Deputy Secretary of Energy
Washington, DC 20585

July 16, 2010

MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM: DANIEL B. PONEMAN

SUBJECT: Public Involvement in the Environmental Assessment Process

To foster transparency and participation in the Department of Energy's (DOE) National Environmental Policy Act (NEPA) process, consistent with the President's January 21, 2009, memorandum on transparency and open government, I am establishing a new policy regarding the online publication and electronic notification of the availability of draft environmental assessments (EAs) for public comment.

A primary purpose of NEPA is to inform the public about the environmental implications of Federal agency decisions before they are made. The Council on Environmental Quality's NEPA implementing regulations require agencies to involve the public, to the extent practicable, in the preparation of EAs. (See 40 CFR 1501.4(b)). Accordingly, it is DOE policy, whenever possible, to provide opportunity for interested parties to review EAs (concurrent with host state/tribal review under 10 CFR 1021.301) prior to DOE approval. I encourage Offices to continue to make draft EAs available for public comment whenever possible.

When the Department seeks public comment on draft EAs, online publication and electronic notification will make the opportunity to comment more effective. Therefore, as of today, when an Office makes a draft EA available for public review, in addition to its usual manner of doing so, the Office shall make sure that the draft EA is posted on the Department's NEPA website (NEPA.energy.gov) before the start of the public review period. An Office may either (1) post the draft EA (with review instructions) on its own website and inform the Office of NEPA Policy and Compliance webmaster that the EA is available for central posting, or (2) provide an electronic file of the draft EA (with review instructions) to the DOE NEPA webmaster for posting on the DOE NEPA website. The draft EA shall remain online until the EA is issued, an environmental impact statement has been initiated for the proposed action, or the proposed action has been cancelled.

Additionally, the NEPA Office has established an e-notification system of NEPA document postings for anyone who requests such notification. That system will provide interested parties a mechanism to guarantee they receive timely notification.

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