

DOE NEPA Implementing Procedures

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Recent Developments in NEPA

- Amendments to NEPA in the Fiscal Responsibility Act (2023)
- Executive Order 14154: Unleashing American Energy (2025)
- Recission of the Council on Environmental Quality (CEQ) NEPA Implementing Regulations (2025)
- Executive Order 14301: Reforming Nuclear Reactor Testing at the Department of Energy (2025)
- DOE NEPA Implementing Procedures (2026)



Recent Developments in NEPA

Seven County Infrastructure Coalition v. Eagle County, Colorado (145 S.Ct. 1497)

Agency discretion when conducting reasonable decision-making

Congressional intent in establishing page and time limits

Brevity should not be mistaken for a lack of detail

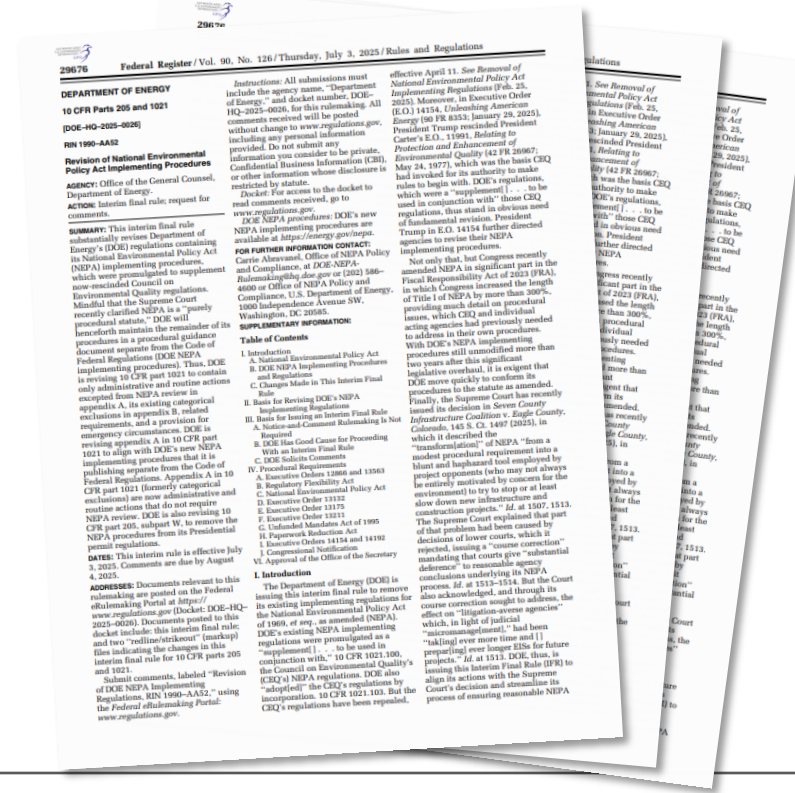
NEPA documents should ensure decision makers are fully informed but does not bind agency decisions.

NEPA analysis should not consider environmental effects of separate projects, especially those over which DOE does not exercise regulatory authority.



NEPA Implementing Procedures

- DOE NEPA Implementing Procedures
 - Replace DOE NEPA Implementing Regulations 10 CFR 1021
 - administrative and routine actions excepted from NEPA review in appendix A (formerly “undocumented categorical exclusions”),
 - existing categorical exclusions in appendix B,
 - related requirements, and
 - a provision for emergency circumstances.
- DOE NEPA Implementing Procedures - <https://www.energy.gov/node/4851264>



Purpose of DOE NEPA Procedures



Describe the process by which DOE determines what actions are subject to NEPA's procedural requirements and the level of required NEPA review.



Interpret certain key terms used in NEPA.



Ensure that relevant environmental information is identified and considered early in the process in order to inform decision-making.



Reduce unnecessary burdens and delays.



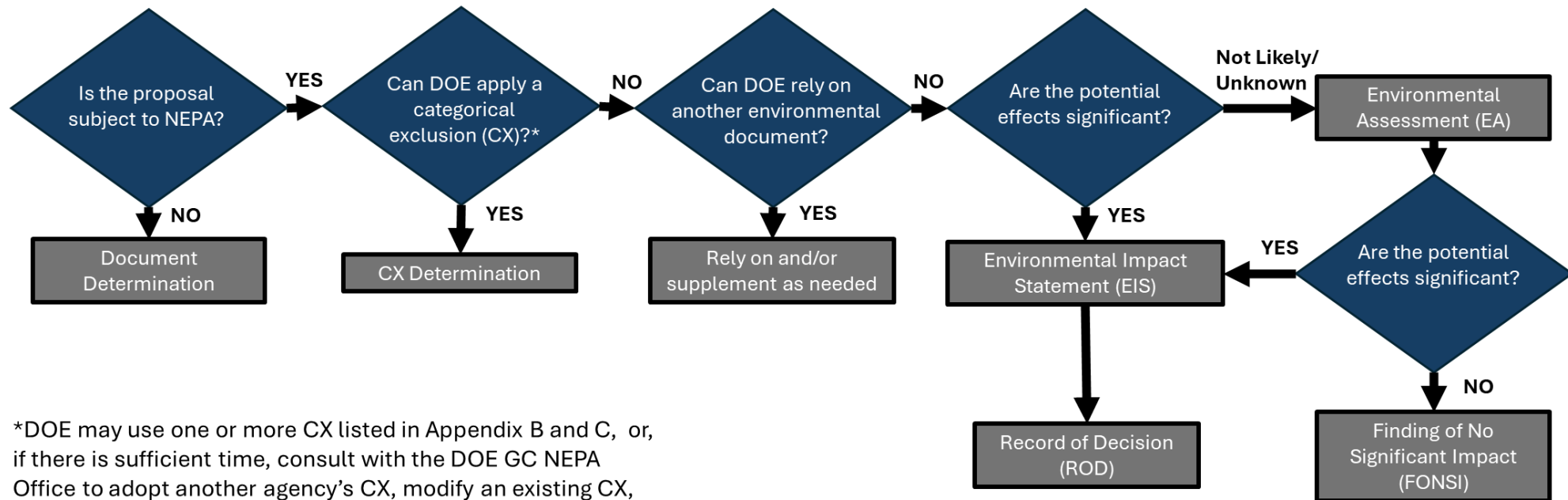
Implement NEPA's mandates regarding lead and cooperating agency roles, page and time limits, and applicant preparation of environmental documents.



The No Action alternative may be limited to an analysis of negative environmental effects of not implementing the proposed action.

Important Changes

- Create a process for determining when NEPA does not apply.
 - Recategorize Appendix A as actions exempt from NEPA review.
- Reinforce that DOE should undertake the simplest form of NEPA review required.



*DOE may use one or more CX listed in Appendix B and C, or, if there is sufficient time, consult with the DOE GC NEPA Office to adopt another agency's CX, modify an existing CX, or create a new CX.

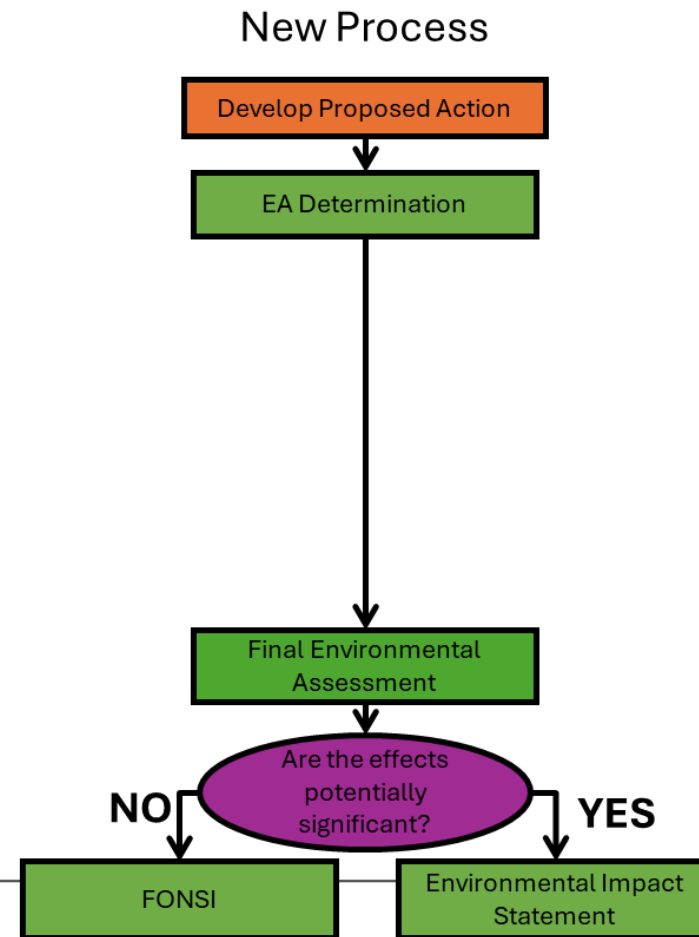
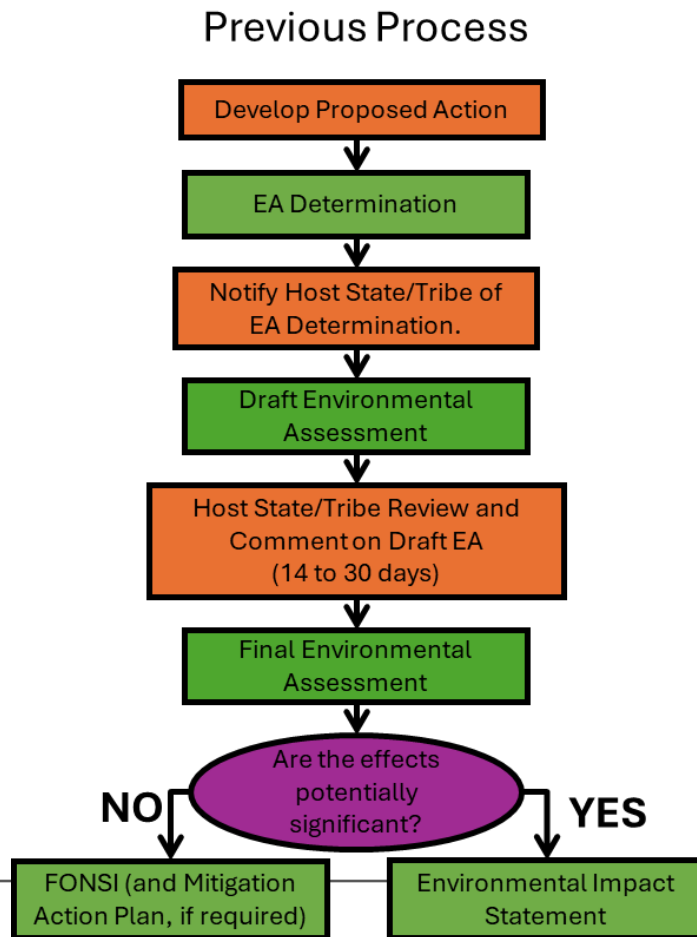
Important Changes

- Reinforce deadlines and page limits established in NEPA.
- Establish that a third party (e.g., project applicant) may prepare an environmental document for DOE's approval.
- Remove requirements for a Mitigation Action Plan (MAP).
- Establish notification and comment requirements consistent with NEPA.



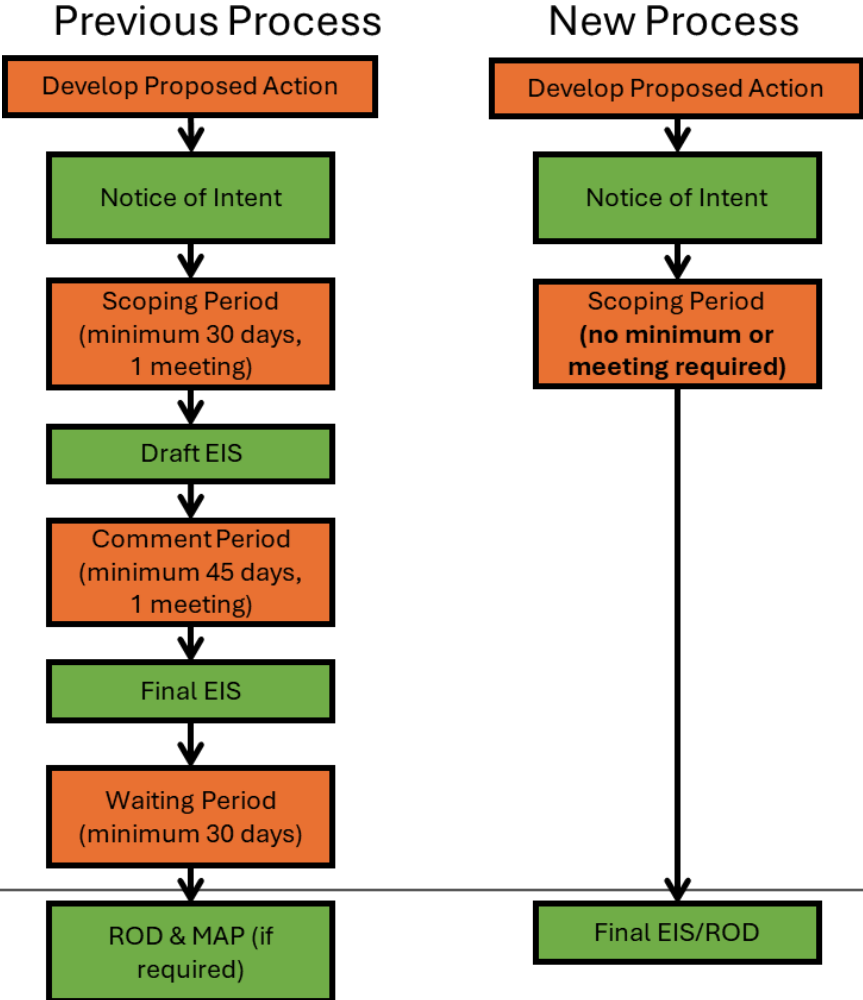
Important Changes

- Environmental Assessment



Important Changes

- Environmental Impact Statements



Next Steps

- NEPA Implementing Procedures Implementation
- <https://www.energy.gov/nepa>





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