



The Deputy Secretary of Energy
Washington, DC 20585

October 2, 2009

MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM: DANIEL B. PONEMAN 

SUBJECT: NEPA Process Transparency and Openness

President Obama's memorandum on "Transparency and Open Government," issued in the very first hours of his presidency on January 21, 2009, announced his commitment to creating an unprecedented level of openness in Government. The President specifically called on executive agency heads to make information about agency operations and decisions available to the public online, in a form that is easy to find and use, so as to encourage transparency, participation, and collaboration.

Secretary Chu has emphasized that we should take affirmative steps to use modern technology to inform the public about the operations of the Department, by posting information online in a timely and systematic way. Such openness is especially important when the information relates to the Department's compliance with the National Environmental Policy Act (NEPA). One of the primary purposes of that statute is to inform the public about the environmental implications of government decisions.

Therefore, to further transparency and openness in the Department of Energy's implementation of the NEPA process, I am establishing a new policy with regard to the online posting of certain categorical exclusion determinations made by the Department's NEPA Compliance Officers. Under the new policy, each Program and Field Office (including the National Nuclear Security Administration and the Power Marketing Administrations) will document and post online all categorical exclusion determinations involving classes of actions listed in Appendix B of the Department's NEPA implementing procedures, 10 C.F.R. Part 1021.

Generally, each Office will post categorical exclusions on its website; where this is not feasible, the Office of NEPA Policy and Compliance will post categorical exclusions on the DOE NEPA Website (<http://www.gc.energy.gov/NEPA/>). Links to all published categorical exclusion documents will be maintained on the DOE NEPA Website. These documents will be posted within two weeks of making a categorical exclusion determination unless some additional delay is needed to protect information that is classified or confidential. Of course, no confidential business information or classified information will be posted at any time. Nor will this policy require the preparation of materials for those types of categorical exclusion determinations that are not routinely documented (i.e., those in Appendix A of 10 C.F.R. Part 1021).



This policy will be fully in place in all Program and Field Offices within one month of the date of this memorandum. The DOE Office of NEPA Policy and Compliance will provide guidance shortly on policy implementation, but I encourage you to take the necessary steps to put this policy in practice as soon as possible. DOE Order 451.1B, *National Environmental Policy Act Compliance Program*, will be revised to be consistent with this policy.