

**National
Environmental
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**QUESTIONS AND
ANSWERS
on the
SECRETARIAL POLICY
STATEMENT
on the
NATIONAL
ENVIRONMENTAL
POLICY ACT**

**Office of Environment, Safety and Health
U.S. Department of Energy
Office of NEPA Oversight**

Questions and Answers
on the Secretarial Policy Statement
on the National Environmental Policy Act

I. Delegations of Authority

1. Will the Office of Environment, Safety and Health retain approval authority for any environmental assessments? (I.A) *

Answer: No, not once the delegation process is completed no later than December 31, 1994.

2. Will approval authority for non-programmatic environmental impact statements be delegated? (I.A)

Answer: At this time, there are no plans to delegate authority for non-programmatic environmental impact statements; case-by-case delegations for specific environmental impact statements may be considered. (See IV.D.)

3. What is the role of the Program Office when environmental assessments are being prepared and approved by Operations Offices or Field Organizations? (I.A)

Answer: While the Secretary's Policy Statement provides environmental assessment approval authority to Heads of Field Organizations, it does not change the relationship of the Field Organization to the Program Office. Just as the Program Office may provide guidance to the Field Organizations under its jurisdiction for other aspects of project management, so too may the Program Office provide guidance on the preparation of an environmental assessment. The amount and nature of Program Office involvement is likely to vary among Program Offices, Field Organizations, and proposed actions, although it would be inconsistent with the Secretary's Policy to routinely require Program Office "clearance" for environmental assessments.

4. What are the "certain conditions" under which Heads of Field Organizations may redelegate environmental assessment approval and related authorities to Heads of subsidiary Field Organizations? (I.A)

*Letters in parentheses refer to sections of the Secretary's Policy Statement.

Answer: The conditions are the same as those required for delegation from the Office of Environment, Safety and Health to Heads of Field Organizations. Delegation to subsidiary Field Organizations can occur if: (i) a NEPA Compliance Officer has been designated at the subsidiary Field Organization; (ii) internal scoping procedures and public participation and quality assurance plans have been prepared at the subsidiary Field Organization; and (iii) adequate Department of Energy legal resources are available to the subsidiary Field Organization.

5. Does delegation of environmental assessment approval authority include the authority to determine whether an environmental assessment or environmental impact statement is required? (I.A)

Answer: Delegation of environmental assessment approval authority to Heads of Field Organizations includes the authority to make the initial determination that an environmental assessment is required. The Head of a Field Organization with authority to approve an environmental assessment and to issue a finding of no significant impact must likewise consider on the basis of the environmental assessment whether the impacts may be significant and that an environmental impact statement is required before a proposed action can go forward. This conclusion, however, is not the same as a determination to proceed with the environmental impact statement process (i.e., committing resources to the preparation of the document). The authority to decide to prepare an environmental impact statement remains with the cognizant Secretarial Officer(s). Issuance of a Notice of Intent remains the responsibility of the Assistant Secretary for Environment, Safety and Health.

Except as noted above, the Policy Statement does not change the status quo under DOE Order 5440.1E with respect to environmental impact statement determinations, whereby Secretarial Officers may make determinations for categories of actions listed in 10 CFR Part 1021, Subpart D, Appendix D and the Assistant Secretary for Environment, Safety and Health makes non-Subpart D determinations. Consistent with the Order, many Secretarial Officers, but not all, have delegated their Subpart D, Appendix D determination authority to Field Officers. Authority for making environmental impact statement determinations will be reconsidered in the course of revising the DOE NEPA Order.

6. Does delegation of environmental assessment approval authority include categorical exclusion approval authority where that authority has not been previously delegated? (I.A)

Answer: Yes. Although the Policy Statement does not address categorical exclusions, it is logical that categorical exclusion authority would reside at the level of environmental assessment authority.

7. May Program Offices redelegate approval authority to their subordinates? (I.A)

Answer: No. The purpose of delegating the Office of Environment, Safety and Health's approval authority is to place that authority in the hands of top-level management in the program or geographic areas in which actions are planned and implemented. Thus, Heads of Field Organizations may redelegate approval authority to Heads of subsidiary Field Organizations when delegation criteria are met, but such a top-level manager may not redelegate approval authority to a subordinate official within his/her Office.

8. How will the Office of Environment, Safety and Health judge whether a request for delegation is "valid"? (I.A.1)

Answer: A request will be deemed "valid" if it contains an affirmative statement by the Head of a Field Organization or Secretarial Officer that the criteria for delegation specified in Section I.A.1 are met.

9. What elements will be required in public participation and quality assurance plans? Is there a preferred format or outline? (I.A.1)

Answer: There are no specific requirements regarding the contents of these plans. Attachment C of the Report of the Environmental Assessment Process Improvement Team of January 1994 (the Bean Report) contains an example of a quality assurance plan.

10. What is meant by "adequate DOE legal resources," and must a DOE attorney concur in every NEPA document? (I.A.1)

Answer: A DOE (not a contractor) attorney must be available to review and concur in the legal adequacy of every NEPA document, whether prepared and approved at headquarters or in the field. The attorney need not be located onsite; attorneys at an operations office, for example, may fulfill this responsibility for an area office with insufficient onsite legal resources. For documents prepared at headquarters, the Assistant General Counsel for Environment will provide legal support. [Note: NEPA document is defined in DOE Order 5440.1E as "A DOE notice of intent to prepare an EIS, EIS, ROD, EA, FONSI, or any other document prepared pursuant to a requirement of NEPA or the Council on Environmental Quality Regulations."]

11. Will the Office of Environment, Safety and Health be aware of all environmental assessments under preparation throughout DOE at any given time? (I.C)

Answer: Yes. The Office of Environment, Safety and Health will ask Offices to whom approval authority has been delegated to provide to the Office of NEPA Oversight a copy of each notification of the Department's intent to prepare an environmental assessment, concurrent with public, state, and tribal notification.

12. What will happen if the Office of Environment, Safety and Health or the Office of the General Counsel disagrees with a decision by a Secretarial Officer to approve an Implementation Plan? (I.B)

Answer: Although concurrence from these Offices is not required under the Policy Statement, these Offices will notify the Secretarial Officer of any substantial disagreement with a Secretarial Officer's Implementation Plan. It is important to resolve such disagreements early because the Assistant Secretary for Environment, Safety and Health has authority to approve the environmental impact statement, with the Office of General Counsel's concurrence regarding legal adequacy.

13. When is the first annual NEPA planning summary due? Will the Office of Environment, Safety and Health provide a specific format for the annual NEPA planning summary? May this summary be submitted electronically? (I.C.1)

Answer: The first annual NEPA planning summary is due January 31, 1995. A suggested format is included in Attachment 2 to the Policy Statement. There are no special requirements for submission of the summary; it may be provided to the Office of Environment, Safety and Health electronically. However, Secretarial Offices and Field Organizations must ensure that copies are available to the public.

14. Does the annual NEPA planning summary replace the monthly report to the Secretary required by Section 6.d(5) of DOE Order 5440.1E? (I.C.1)

Answer: No. The purpose of the monthly report was to advise the Secretary of upcoming environmental assessments and environmental impact statements and to enable the Office of Environment, Safety and Health and the Secretary to determine whether an environmental assessment or environmental impact statement warranted the Secretary's approval. The Policy Statement makes clear that the Secretary wishes environmental assessments to be approved by Heads of Field Organizations and Secretarial Officers. Although the implementing delegations have not yet been accomplished, the Office of Environment, Safety and Health does not expect to recommend that the Secretary approve any environmental assessments in the interim, consistent with the spirit of the new Policy. Until further notice, therefore, the monthly report only will include environmental impact statements that are to be forwarded to the Office of the Assistant Secretary for Environment, Safety and Health for approval in the next 90 days. The need for the monthly report will be reconsidered in the course of revising the NEPA Order.

15. How does the three-year evaluation of whether a site-wide environmental impact statement would facilitate future NEPA compliance efforts correspond to the regulatory requirement to review existing site-wide NEPA documents at least every five years? (I.C.2)

Answer: DOE NEPA regulations require review of sitewide NEPA documents at least every five years. The Policy Statement is more conservative

than the regulations in that it specifies a review of the potential value of preparing a site-wide environmental impact statement every three years. The purpose of this requirement in the Policy Statement is to ensure a careful, conscious consideration of the usefulness of a site-wide NEPA review (whether or not one already exists) every three years. The Policy Statement does not require a formal supplement analysis.

16. How does the three-year review of the potential value of a site-wide environmental impact statement correspond to the Five-Year Plan required by DOE Order 4320.1B, "Site Development Planning"? (I.C.2)

Answer: The Five-Year Plan, which is part of a site's Technical Site Information, is a useful tool that should be considered when undertaking the three-year review. The Five-Year Plan, which is updated yearly, provides a five-year outlook of the steps necessary to meet the site's missions. Review of the Five-Year Plan, as well as a site's Site Development Plan, may assist the Field Organization with evaluating the benefit of a site-wide environmental impact statement by identifying mission changes and/or new proposals to accomplish the site mission.

17. Will the Office of Environment, Safety and Health provide training and guidance for determining the appropriate level of NEPA documentation? (I.D)

Answer: The Office of Environment, Safety and Health has provided, and will continue to provide, training and guidance concerning the appropriate level of NEPA documentation and many other aspects of NEPA review. The Office of Environment, Safety and Health also has provided resource materials to NEPA Compliance Officers to enable them to present such training to the organizations they serve. Additionally, the Office of Environment, Safety and Health encourages the judicious use of commercially available training and guidance, as necessary. Anyone who may be involved in the NEPA process or the preparation of a NEPA document, including upper- and mid-level Departmental personnel with broad management responsibilities, should have NEPA training appropriate to the functions they serve, whether provided by the Office of Environment, Safety and Health or otherwise.

18. Will the Office of Environment, Safety and Health provide guidance on how to effectively reduce the size of NEPA documents? Will there be guidance on what could be (or could have been) left out of documents? (I.D)

Answer: Yes. The Office of Environment, Safety and Health's "Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements" (the "Recommendations" paper) emphasizes a sliding scale approach to this issue and provides instruction on how to focus analysis on the most significant environmental issues. For specific documents, the Office of Environment, Safety and Health and other participants will provide such

guidance as part of the internal scoping process. Additionally, any lessons learned regarding this issue will be shared through the quarterly summaries to be provided to all NEPA Compliance Officers and NEPA Document Managers.

19. Will the Office of Environment, Safety and Health take over the training responsibilities of NEPA Compliance Officers? (I.D)

Answer: No. Although the Office of Environment, Safety and Health will provide additional guidance and training to Secretarial Offices and Field Organizations, it will not supplant a NEPA Compliance Officer's responsibility to provide NEPA training to the organization he/she serves, using, among other things, training materials the Office of NEPA Oversight has provided to NEPA Compliance Officers.

20. If the Program or Field Organizations disagree with direction from the Office of Environment, Safety and Health to prepare an environmental assessment or environmental impact statement, how will the conflict be resolved? (I.E and F)

Answer: The Policy Statement authorizes the Assistant Secretary for Environment, Safety and Health to direct a Secretarial Officer or Head of a Field Organization to prepare an environmental assessment or environmental impact statement. The purpose of this authority is to resolve controversies in which consensus could not be achieved. Heads of Field Organizations that disagree with a direction by the Office of Environment, Safety and Health may elevate the concern to the cognizant Secretarial Officer. If the Secretarial Officer disagrees with the direction from the Office of Environment, Safety and Health to prepare an environmental assessment or environmental impact statement, the conflict may be resolved ultimately by the Secretary.

II. Process Changes

21. May someone other than the cognizant Secretarial Officer or Head of a Field Organization designate a NEPA Document Manager? (II.A)

Answer: The purpose of designating a NEPA Document Manager is to establish leadership and ownership of the NEPA process, and thereby improve its management. The designation should normally be made by the Secretarial Officer or Head of Field Organization who is ultimately accountable for the successful completion of the NEPA process. Nevertheless, the Secretarial Officer or Head of a Field Organization may delegate authority to designate the NEPA Document Manager when he or she determines that a higher level designation is not necessary to achieve that goal.

22. May the NEPA Document Manager be a contractor? (II.A)

Answer: No. A DOE employee must serve as a NEPA Document Manager.

23. Is there a maximum size for the team? (II.A)

Answer: No. The size of the team may vary with the characteristics of the proposed action.

24. Will the Office of Environment, Safety and Health participate on all NEPA document preparation teams or only if requested by the NEPA Document Manager, or only if the Office of Environment, Safety and Health priorities permit participation? (II.A and C)

Answer: The Office of Environment, Safety and Health considers providing assistance to NEPA document preparation teams to be a core activity of the highest priority and intends to carry out that function whenever such assistance is needed to the extent resources permit. Office resources are limited, however, which will require allocation in accordance with Departmental priorities.

25. Will the Office of General Counsel participate on NEPA document teams? (II.A and C)

Answer: For high priority projects, the Office of General Counsel will normally be represented on NEPA document teams. For other projects, that office and field counsel will provide assistance as necessary. In either case, Office of Environment, Safety and Health team members would obtain legal advice from the Office of the Assistant General Counsel for Environment.

26. What are some innovative measures that have successfully reduced NEPA process time? (II.A.1)

Answer: The most important step to reduce NEPA document preparation and review time is to actively involve senior management in the NEPA process; i.e., to obtain the decision makers' commitment and attention. Other useful measures include early planning, internal scoping, aggressive contract management, and use of a team approach. The Office of Environment, Safety and Health will share any further lessons learned regarding this issue in a variety of ways. (See section VI.B of the Policy Statement.)

27. How should the NEPA Document Manager "elevate internal disputes for prompt decision," and who is ultimately responsible for resolving these disputes? (II.A.3)

Answer: NEPA disputes would be resolved as would any other type of dispute within DOE. The NEPA Document Manager should elevate disputes through the appropriate chain of command to the level necessary for resolution. A team approach facilitates resolution of disputes, because

concerned offices will already be involved in the NEPA process and informed of the issues. Ultimately, the Secretary is responsible for resolving internal disputes, although the need for resolution at that level should be rare.

28. What is meant by internal scoping? Should the process be the same for environmental assessments and environmental impact statements? (II.C)

Answer: Internal scoping refers to the agency's own discussions and preliminary plan of the scope of an environmental assessment or environmental impact statement before public scoping (when applicable) or document preparation, including alternatives, impacts, potential stakeholders, and the appropriate public participation strategy. Internal scoping should be tailored as appropriate for each proposed action. The purpose of internal scoping is to facilitate the NEPA process by early planning. Appendix B of the Report of the Environmental Assessment Process Improvement Team of January 1994 (the Bean Report) discusses an approach for internal scoping for DOE environmental assessments.

29. What sorts of circumstances constitute "extraordinary circumstances" judged appropriate for extending the schedule for an environmental impact statement? (II.C.2)

Answer: The Office of Environment, Safety and Health anticipates that these circumstances could arise from matters outside of the Department's control, such as a Congressional directive, or from the breadth of scope of the proposed action, such as a national program requiring extensive public involvement. The presence of these circumstances does not necessarily imply that the environmental impact statement process should take more than 15 months, but could justify an extension of the schedule.

30. How does the Policy Statement affect the schedule for an ongoing environmental impact statement? (II.C.2 and VI.E)

Answer: The Secretary has established a Departmental goal of reducing the median process time for environmental impact statements to 15 months with no decline in quality. As stated in the Policy, meeting this objective will require adjustments to the schedules for environmental impact statements now in preparation. Accordingly, the offices responsible for ongoing environmental impact statements should review their schedules with a view toward shortening the process. The Office of Environment, Safety and Health and the Office of General Counsel will provide assistance in this regard.

31. Will there be an opportunity to adjust document schedules after completion of public scoping? (II.C.2 and II.C.3)

Answer: Yes. The public scoping process will provide a clearer picture of the issues and the degree of controversy associated with a proposed

action, which could justify either shortening or lengthening the schedule.

32. Will the Office of Environment, Safety and Health continue to review and advise on NEPA procedures and recordkeeping requirements approved by Secretarial Officers and Heads of Field Organizations to ensure consistency in DOE's NEPA process (as required under DOE 5440.1E 6.d.4)? (II.C.3)

Answer: This Order will be revised as appropriate to be consistent with the Policy Statement. Although the future of this provision of the Order is not certain, the Office of Environment, Safety and Health will provide advice to Field Organizations and Program Offices as requested.

33. What is meant by concurrent review? (II.D)

Answer: Concurrent review involves sending a document for review simultaneously to all offices whose eventual concurrence in the document will be required or that in other ways are assisting in its preparation. Each reviewing team should adopt whatever procedures will work best for the document at issue. To most efficiently use reviewers' time and to maintain accountability, the NEPA Document Manager, with advice from the NEPA Compliance Officer, generally should determine that the document is adequate for review - and identify any remaining deficiencies - before submitting the document to reviewers. Comments from reviewers should be collated, distributed to the other reviewers, studied, resolved, and, as appropriate, incorporated into the final document. When the comments warrant, it may be most expedient for the team members to meet to negotiate comment resolutions subject to senior management approvals.

34. With regard to DOE's new policy concerning NEPA review for CERCLA actions, is it necessary to apply (and document) the categorical exclusion for CERCLA removal actions? (II.E)

Answer: No.

35. May DOE discontinue ongoing integrated NEPA/CERCLA processes? (II.E.4)

Answer: DOE may discontinue ongoing integrated CERCLA/NEPA processes, but should consider each ongoing CERCLA/NEPA review individually, taking into account stakeholder expectations, prior DOE commitments, and the time and cost savings, if any, that would result.

36. What criteria will the Office of Environmental Management (in consultation with the Offices of Environment, Safety and Health and General Counsel) use to decide how to proceed under NEPA for proposed corrective actions under the Resource Conservation and Recovery Act? (II.E.5)

Answer: The involved Offices plan to provide guidance on a case-by-case basis, focusing on the extent of public involvement and the significance of the proposed action.

III. NEPA Contract Reform

37. What types of contractor incentives would encourage superior performance? (III.A)

Answer: The contracting Quality Improvement Team has been charged to investigate this issue and make recommendations. In the interim, Field Organizations and Program Offices are encouraged to use their best judgment and lessons learned from their own experience. One example is to include financial rewards for successfully completing high quality work on time, at a cost savings to the government.

38. Will the Office of NEPA Oversight provide criteria for contractor appraisals so that reports from NEPA Document Managers could be compared? (III.B.2)

Answer: The contracting Quality Improvement Team is examining this issue in detail. At a minimum, however, the appraisals should address performance elements identified in the Policy Statement -- i.e., timeliness, quality (as in the quality and completeness of the contractor's draft NEPA document), cost-effectiveness, responsiveness to the Department's directions, and application of the "Recommendations" paper.

39. How will contractor appraisals be "made available" to Secretarial Officers and Field Organizations? (III.B.2)

Answer: The Office of Environment, Safety and Health will serve as a clearinghouse for contractor appraisals. NEPA Document Managers will provide appraisals to the Office of Environment, Safety and Health, which will distribute them to appropriate offices on a regular basis.

IV. Additional Reforms for High Priority Projects

40. How does the "special team" referred to in the discussion of high priority projects differ from a team that would be formed for non-priority projects? (IV.B)

Answer: Normally, the NEPA Document Manager would form a team to plan, review, and concur in a NEPA document, drawing together the necessary

technical and legal expertise to ensure quality and timeliness. For high priority projects, a special team may be formed to ensure that DOE resources are enhanced as necessary. Use of a special team for high priority projects would allow DOE to put forth its best effort by bringing in more senior DOE staff with the right mix of experience and special skills. Representatives from the Office of Environment, Safety and Health and the Office of General Counsel will normally be members of special teams to ensure that all relevant programmatic, policy, and legal considerations are taken into account from the beginning.

41. Who will decide whether a project is a "high priority project" and therefore a candidate for a special team, and in the case of an environmental impact statement, delegation of approval authority?
(IV.B and D)

Answer: Department priorities are determined by DOE senior managers, such as Heads of Field Organizations, Secretarial Officers, and the Secretary. Regarding delegation of approval authority for specific environmental impact statements, the cognizant Secretarial Officer and the Assistant Secretary for Environment, Safety and Health will consult to determine whether delegation would be appropriate to expedite the review and approval process.

V. Enhanced Public Involvement

42. What guidance is the Office of Environment, Safety and Health planning to provide on improving public participation? (V.A)

Answer: The Office of Environment, Safety and Health has provided NEPA Compliance Officers with a compendium of the Council on Environmental Quality and DOE regulations relating to public involvement in the NEPA process. Draft guidance on effective public involvement is currently under review within the Office of Environment, Safety and Health and the Office of General Counsel.

43. Is public review required for each environmental assessment? Is a public meeting required for every environmental assessment? (V.B)

Answer: No. While the Policy Statement enhances public participation opportunities, neither the Policy Statement nor NEPA regulations promulgated by the Council on Environmental Quality and DOE require public review of a draft environmental assessment or a public meeting for an environmental assessment. However, the Council's regulations do require the public to be involved in the preparation of an environmental assessment "to the extent practicable" (40 CFR § 1501.4(b)). Depending on the circumstances, this could include seeking input on the scope of the document (including alternatives and potential impacts), meetings,

workshops, or document reviews. The Policy Statement directs that the Department ordinarily provide early public notice of its intent to prepare an environmental assessment, and an opportunity, on request, to review draft environmental assessments concurrent with state and tribal preapproval review. These minimum opportunities for public involvement should always be appropriate absent extraordinary circumstances, such as an unforeseen need to prepare an extremely urgent environmental assessment. The amount of any additional public involvement in an environmental assessment depends on the circumstances, including the potential impacts of the project, public interest in the project, and the similarity of the proposed action to others requiring preparation of an environmental impact statement.

44. What steps should be taken to make interested parties aware of opportunities for preapproval review of environmental assessments? (V.B.2)

Answer: Notices to the public of decisions to prepare environmental assessments would include information regarding how to request an opportunity for preapproval review. Additionally, Council on Environmental Quality regulations suggest ways of notifying the public of the availability of NEPA documents (40 CFR § 1506.6(b)).

VI. Continuing Improvement

45. Who will charter the NEPA quality improvement team next year? May DOE personnel volunteer to be on the team? (VI.A)

Answer: The Secretary is expected to charter the team, with assistance from the Office of Environment, Safety and Health and the Office of General Counsel. Volunteers would be welcome. However, team members would have to be selected in a manner that ensures broad perspectives and organizational balance.

46. How will the Office of Environment, Safety and Health gather information on "lessons learned?" How will the Office of Environment, Safety and Health report the "lessons learned"? (VI.B)

Answer: The Office of Environment, Safety and Health is developing approaches for gathering and reporting this information, taking into account suggestions received during a workshop at the June 23, 1994 NEPA Compliance Officers Meeting. Among the possible approaches is that the Office would develop a questionnaire on "lessons learned" that NEPA Document Managers would complete after every environmental assessment and environmental impact statement. The questionnaire would cover time, cost, conflicts, innovations, and benefits. The information obtained would be used to identify additional guidance and training needs. At

the end of each quarter, the Office would evaluate the responses and draw conclusions from the collection of questionnaires received during that quarter. The Office would provide those conclusions, along with the completed questionnaires themselves, in a quarterly report. Lessons learned also will continue to be a topic of discussion at NEPA Compliance Officers Meetings. The Office welcomes any suggestions regarding this issue.

47. What plans does the Office of Environment, Safety and Health have for revising the "Recommendations" paper (VI.B) and for NEPA training (VI.C)?

Answer: Most of the comments received to date on the "Recommendations" paper have been positive, with some suggestions for improvement. Accordingly, a major revision of the "Recommendations" paper is not contemplated at this time. However, guidance on several topics is under development, which will be issued as a supplement to the "Recommendations" paper. Future comments and "lessons learned" gleaned from the Office of Environment, Safety and Health questionnaires will be used to determine the need for revisions to the "Recommendations" paper or new guidance. Any suggestions for revisions or additional guidance topics are welcome and should be sent to the Office of NEPA Oversight.

With respect to training, the Office of Environment, Safety and Health has provided NEPA resource material for training materials to enable NEPA Compliance Officers to provide training to the organizations they serve. The Office of Environment, Safety and Health is also planning to enhance its training materials and activities.

48. What plans does the Office of Environment, Safety and Health have for establishing a NEPA certification program? Has a schedule been developed? (VI.D)

Answer: The Office of Environment, Safety and Health is seeking information from NEPA Compliance Officers as to their interest in a certification program and suggestions for criteria. With sufficient interest, the Office would set up a team to examine this concept in more detail. The Office is gathering information on existing relevant certification programs and investigating whether an external program could be used, along with a demonstrated knowledge of DOE NEPA regulations, policies, and procedures. No schedule has been developed.

49. How do the Office of Environment, Safety and Health and the Office of General Counsel plan to monitor the cost and time for NEPA document preparation, the influence of NEPA review on decision making, the evaluations of contractor performance, EPA ratings of DOE environmental impact statement, public reactions, and litigation experience? What criteria will be used in determining the influence of NEPA review on decision making, public reactions (to the NEPA process or to decisions arrived at), and the quality of environmental impact statements? (VI.E)

Answer: The Office of Environment, Safety and Health intends to develop questionnaires and/or reporting systems to obtain information pertaining to lessons learned, contractor appraisals, and public reaction, taking into account suggestions received during a workshop at the June 23, 1994 NEPA Compliance Officers Meeting. The Office of Environment, Safety and Health welcomes any suggestions in this regard. (Also see Question 46, above.)

50. Are any changes expected in 10 CFR Part 1021 (NEPA Implementing Procedures) and Part 1022 (Procedures for Floodplain/Wetlands Environmental Review) as a result of the Policy Statement?

Answer: No changes to these regulations are necessary because of the Policy Statement, but a consolidation is being considered to streamline the procedures.