

DEPARTMENT OF ENERGY  
WASHINGTON, D.C. 20585



OFFICE OF THE EXECUTIVE  
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FORM

FAX NUMBER: (202) 586-4403

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TO: FIELDS/LABS

FROM: CAROL MATTHEWS

SUBJECT: GC NEPA Review Process Improvements

THIS TRANSMITTAL CONSISTS OF 2 PAGE(S), EXCLUDING THIS FORM

NOTE: PLEASE DIRECT QUESTIONS REGARDING THIS DOCUMENT TO  
CONTACT PERSON: CAROL MATTHEWS PHONE: (202) 586-5230

ANY DIFFICULTY IN THE TRANSMITTAL OF THIS DOCUMENT SHOULD BE  
DIRECTED TO Kimberly STANTON AT (202) 586-9024.



Department of Energy  
Washington, DC 20585

June 15, 2009

**MEMORANDUM FOR:** PROGRAM SECRETARIAL OFFICERS AND HEADS OF  
FIELD ORGANIZATIONS

**FROM:** SCOTT BLAKE HARRIS <sup>5</sup>  
GENERAL COUNSEL

**SUBJECT:** GC NEPA REVIEW PROCESS IMPROVEMENTS

Since arriving at DOE, I've heard some concerns about the time to complete the National Environmental Policy Act (NEPA) review process and the receipt of multiple sets of comments on documents, particularly environmental impact statements (EISs). The Office of NEPA Policy and Compliance (GC-20) and the Office of the Assistant General Counsel for Environment (GC-51) were aware of these concerns and eager to propose improvements to our internal procedures.

Attached is a set of operating principles that we will employ for ongoing and future NEPA reviews. I believe these steps will enhance our ability to meet program needs, particularly in regard to schedule, without sacrificing quality in the NEPA process. Indeed, an important aspect of the process improvements is to encourage program and field offices to take more ownership of the quality of their documents. I will consider requests to delegate EIS approval authority on a case-by-case basis, as provided in DOE Order 451.1B.

If you have further suggestions to improve the NEPA process, please contact me.

Attachment



June 15, 2009

### **GC NEPA Review Process Improvements**

The Office of General Counsel (GC) announces the following – immediate – changes to its NEPA process. These changes are designed to eliminate unnecessary delay, to better meet the needs of DOE's program offices, and to better promote NEPA goals.

**Ad Hoc Delegation** -- GC will delegate EIS approval to the program offices on a project-by-project basis, upon request, at any point in the process where GC believes its involvement is no longer required. Factors affecting delegation will include the EIS experience of the program office, the quality of submitted materials, the complexity and sensitivity of the project, and the potential national impact of the EIS review.

**Coordinated Substantive Comments** -- GC will provide program offices with a single set of comments focusing on substantive and not stylistic issues. Comments will clearly differentiate between what is legally required and what is suggested.

**Single Coordinator** -- For each NEPA related document being reviewed, a single GC coordinator, who will be the program office's point of contact with GC, will be appointed.

**Agreed Schedule** -- At the beginning of the process, GC will agree with the program office on a realistic schedule for all GC work and that schedule will be met without fail. To this end, whenever possible, within 5 working days of document receipt, GC will identify any significant issues that may affect schedule and likely major comments. For Recovery Act projects, an NOI will be issued within 30 days of any determination to prepare an EIS.

**Regular Meetings** -- GC will arrange regular meetings with program offices to identify issues and resolve any problems in the EIS process.

**Technology** -- GC will identify and use current technologies for more efficient review and communication, e.g., software to facilitate markup and comment, and videoconferencing.