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Clarification of Responsibilities for Implementing NEPA by OneSC

Questions have arisen recently regarding the implementation of the NEPA process at the Office of Science Site Offices. Specifically, questions have focused on the roles, responsibilities and authorities under OneSC for making NEPA determinations (i.e., what level of NEPA document to prepare) and for approving Environmental Assessments and Findings of No Significant Impact. Under OneSC, the Office of Science policy and direction, as well as scientific program development and management, are an SC headquarters responsibility. Program execution and implementations functions are the responsibility of the SC field organizations. Implementation of the procedural provisions of the National Environmental Policy Act (NEPA) for federal actions at the National Laboratories that are under the purview of SC's Site Offices are execution and implementation functions of and responsibilities of SC's Site Offices Managers. Clarification of these particular NEPA responsibilities for the SC field organizations is provided below. Other aspects and details of SC's NEPA responsibilities will be addressed by the SC reengineering initiative in the near future.

Head of a Field Organization & NEPA Authority

- The DOE line management for the Office of Science (SC) National Laboratory sites is placed with the Site Office Managers under OneSC. In the March 15, 2004, *Delegations of Authority* memo, OneSC chartered the SC Site Office Managers, and the Managers of the Integrated Support Center (ISC) in Chicago and Oak Ridge, as Heads of Field Organizations (HFO). Prior to OneSC, the HFOs were the former Operations Office Managers only.
- As HFO's, the SC Site Office Managers now have certain responsibilities under DOE Order 451.1B National Environmental Policy Act (NEPA) Compliance Program. Section 5 of the DOE NEPA Order contains the responsibilities of Secretarial Officers and HFOs for matters under their purview. These HFO responsibilities now fall to the SC Site Office Managers for project and program matters at their National Laboratory sites and to the Managers of the ISC at Chicago and Oak Ridge for matters under their purview.
- These HFO responsibilities include those specified in the DOE NEPA Order 451.1B, as well as NEPA's procedural provisions as contained in the DOE NEPA regulations at 10 CFR 1021, the Council on Environmental Quality NEPA regulations at 40 CFR 1500-1508, and all associated statutes and regulations. SC headquarters will have the responsibility to implement NEPA's procedural provisions for matters under SC headquarters' purview.

NEPA Compliance Officers and Legal Counsel

- DOE NEPA Order 451.1B requires that HFOs appoint and maintain a DOE NEPA Compliance Officer (NCO). Under OneSC, the HFOs are expected to use

- and to consult with an NCO to assist the organization with proper NEPA compliance. SC's Site Office Managers are encouraged to appoint an NCO in the Site Office, as staffing resources permit. For those SC Site Offices with limited staffing resources, the NCOs in the ISC at Chicago and Oak Ridge should be used for compliance matters and to implement the roles and responsibilities of DOE NEPA Order 451.1B. The SC Site Offices are encouraged to enter into appropriate service agreements with the ISC, as soon as reasonably possible, to formalize the level of NEPA support they will require.
- DOE NEPA Order 451.1B requires that Secretarial Officers and HFO's obtain concurrence of DOE counsel in the legal adequacy of NEPA documents before they are signed and approved. SC's Site Office Managers must adhere to this requirement. DOE legal counsel is maintained at the SC ISC and should be consulted there for all NEPA matters requiring legal review and opinion.

Quality Assurance Plans for Environmental Assessments

- DOE NEPA Order 451.1B requires that Secretarial Officers and HFOs ensure that a NEPA quality assurance plan, internal scoping procedures, and a public participation plan are prepared for the organization. SC and the Operations Offices that formerly reported to SC all had these three elements in place when NEPA authority was delegated from EH to the program offices and field in 1994 and 1995. Some of those elements have not been updated since then.
- The SC Site Offices and ISC should ensure that these quality assurance elements are in place, are current, and are available for use in assuring that SC will implement NEPA's procedural provisions adequately and in a timely and cost effective manner. The Site Offices should consider using (and updating as appropriate) the quality assurance elements prepared by the ISC (former Operations Office quality plans). Site Office-specific plans also could be prepared by those Site Offices with adequate resources. These plans should be put in place as soon as reasonably possible. For an example of updated quality assurance documents for Environmental Assessments (EA), see the SC web site at <http://www.science.doe.gov/sc-80/sc-83/nepaguid.shtml>. Under the category of "Guidance and Procedures" see the second item on quality plans for EAs (July 2000).

Please share this within your organizations. Additional suggestions on topics for this *Milt Mail* series would be appreciated along with any other feedback.

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