

NEPA and DOE Through the Years

1970-1979

1970

The National Environmental Policy Act (NEPA) Signed into Law by President Nixon on January 1, 1970 (Public Law 91-190)

Clean Air Act, Section 309 (Authorized EPA to Review EISs)

Environmental Quality Improvement Act (Established the President's Office of Environmental Quality to Staff CEQ)

E.O. 11514, Protection and Enhancement of Environmental Quality

Interim CEQ NEPA Guidelines

1971

Final CEQ NEPA Guidelines

Calvert Cliffs' Coordinating Committee v. Atomic Energy Commission (D.C. Cir.) – comply with NEPA “to the fullest extent possible;” satisfying other laws not sufficient

1972

Natural Resources Defense Council v. Morton (D.C. Cir.) – reasonable alternatives not limited to those an agency can adopt

1973

Revised CEQ NEPA Guidelines Published in *Federal Register* (40 CFR Part 1500)

SCRAP v. United States (Sup. Ct.) – 1st NEPA case accepted by Supreme Court (But Court's decision based on the Interstate Commerce Act, not NEPA)

1974

Minnesota Public Interest Research Group v. Butz (8th Cir.) – consider indirect and direct effects

1975

Sierra Club v. Morton (D.C. Cir.) – comprehensive agency program requires an EIS

1976

Flint Ridge Development Co. v. Scenic Rivers Association of Oklahoma (Sup. Ct.) – NEPA yields to conflict in statutory authority

Kleppe v. Sierra Club (Sup. Ct.) – court's role is to ensure that “agency has taken a ‘hard look’ at environmental consequences”

1977

DOE Organizational Act (Established DOE)

E.O. 11988, Floodplain Management

E.O. 11990, Protection of Wetlands

E.O. 11991, Amends E.O. 11514, Directs CEQ to Issue NEPA Regulations

Strategic Petroleum Reserve, Bryan Mound Salt Dome, EIS (DOE/EIS-0001)

1978

CEQ NEPA Regulations (40 CFR Parts 1500–1508)

DOE Order 5440.1, National Environmental Policy Act Compliance Program

Natural Resources Defense Council v. Energy Research and Development Administration (D. D.C.) – EIS required to address long-term implications of tank waste storage at Hanford

Cumulative Production/Consumption Effects of Crude Oil Price Incentive Rulemakings Programmatic EIS (1st Programmatic EIS)

1979

E.O. 12114, Environmental Effects Abroad
DOE NEPA Regulations (10 CFR Part 1021, Adopted CEQ Regulations)

DOE Regulations for Compliance with Floodplains/Wetlands Protection (10 CFR Part 1022)

Andrus v. Sierra Club (Sup. Ct.) – CEQ's interpretation of NEPA entitled to “substantial deference”

Gasoline Deregulation EIS

Mound Facility EIS (1st Site-wide EIS)

Los Alamos Site-wide EIS

Savannah River High-Level Radioactive Waste EIS

CEQ – Council on Environmental Quality
CFR – Code of Federal Regulations
EIS – Environmental Impact Statement
E.O. – Executive Order
EPA – Environmental Protection Agency



Laws, Regulations, Orders



Court Decisions



Events



Meetings



Guidance



Key Environmental Impact Statements

NEPA and DOE Through the Years

1980-1989

1980	1981	1982	1983	1984
<p>DOE Order 5440.1A</p> <p>1st DOE NEPA Guidelines</p> <p>Commercially-Generated Radioactive Waste Management EIS</p> <p>Geothermal Demonstration Program, Baca Ranch, NM, EIS</p> <p>Hanford Double-Shell HLW Tanks EIS</p> <p>Rocky Flats Plant Site-wide EIS</p> <p>Savannah River Double-Shell HLW Tanks EIS</p> <p>Spent Power Reactor Fuel Storage EIS</p> <p>Waste Isolation Pilot Plant EIS</p>	<p>DOE Begins Using Memos-to-File (Case-by-Case Determination that EA or EIS Not Needed)</p> <p>CEQ 40 Questions</p> <p>1st DOE NEPA Compliance Guide</p> <p>BPA Role in the Pacific Northwest Power Supply System EIS</p> <p>Solvent Refined Coal-I Demonstration Project, Daviess County, KY, EIS</p> <p>Solvent Refined Coal-II Demonstration Project, WV, EIS</p>	<p>DOE Order 5440.1B (Included Memos-to-File)</p> <p>Revised DOE NEPA Guidelines (Established Typical Classes of Actions)</p> <p>Liquid-Metal Fast Breeder Reactor Program, Supplemental EIS</p> <p>Livermore Site-wide EIS</p> <p>Oak Ridge Radioactively-Contaminated PCBs Incinerator EIS</p> <p>Potential Conversion of 42 Powerplants from Oil to Coal or Alternate Fuels EIS</p> <p>Savannah River Defense Waste Processing Facility EIS</p> <p>West Valley Liquid HLW Management EIS</p>	<p>Revised DOE NEPA Guidelines (Established Typical Classes of Actions)</p> <p><i>Natural Resources Defense Council v. Vaughan</i> (D. D.C.) – EIS required on restart of L-Reactor at Savannah River</p> <p>Hanford PUREX EIS</p> <p>Pantex Site-wide EIS</p>	<p>BPA Residential Weatherization Program EIS</p> <p>Savannah River L-Reactor Restart EIS</p>
1985	1986	1987	1988	1989
<p>DOE Order 5440.1C</p> <p>Revised DOE NEPA Guidelines (Established Typical Classes of Actions)</p> <p>Office of Environment, Safety and Health Created by Consolidating ES&H Oversight Responsibilities</p> <p>Durango, CO, Uranium Mill Site Remediation EIS</p> <p>Tucson Aqueduct/ Central Arizona Project EIS</p>	<p>Amended CEQ NEPA Regulations (Deleted Requirement for Worst-Case Analysis)</p> <p>Mead-Phoenix +500-kV DC Transmission Line EIS</p>	<p>Revised DOE NEPA Guidelines (Consolidated Guidelines and Established Typical Classes of Actions)</p> <p>Hanford High-Level, Transuranic and Tank Waste Disposal EIS</p> <p>Savannah River Groundwater Protection EIS</p> <p>Weldon Spring CERCLA Feasibility Study/Remedial Action EIS (Cancelled after Draft; see 1993)</p>	<p>1st DOE-wide NEPA Meeting, Washington, DC</p> <p>Updated DOE NEPA Compliance Guide</p> <p>DOE Guidance Clarifies Workers Are Part of Human Environment</p> <p>California-Oregon Transmission Project EIS</p> <p>Special Isotope Separation Project EIS</p> <p>Superconducting Super Collider EIS</p>	<p>Revised DOE NEPA Guidelines</p> <p><i>Marsh v. Oregon Natural Resources Council</i> (Sup. Ct.) – criteria for supplemental EIS</p> <p>Charlie Creek-Belfield Transmission Line EIS</p> <p>Clean Coal Technology Demonstration Program EIS</p>

BPA – Bonneville Power Administration
 CERCLA – Comprehensive Environmental Response, Compensation and Liability Act
 EA – Environmental Assessment
 HLW – High-Level Waste
 PCB – Polychlorinated Biphenyl

NEPA and DOE Through the Years

1990-1994

1990

- Secretary of Energy Notice (SEN-15-90)
- ✓ Established NEPA Compliance Officers
- ✓ Eliminated Memos-to-File
- ✓ Eliminated Catch-All CX
- ✓ Enhanced State/Tribe Participation

Revised DOE NEPA Guidelines

Lujan v. National Wildlife Federation (Sup. Ct.) – criteria for legal standing

NEPA Meeting, Washington, DC (July)

1st NCO Meeting,
Washington, DC (October)

Continued Operation
of K, L, and P Reactors EIS,
Savannah River

Superconducting Super Collider
Supplemental EIS

WIPP Supplemental EIS I

1991

DOE Order 5440.1D
(Implemented SEN 15-90)

Sierra Club v. Watkins (D. D.C.) – evaluate
alternatives in EAs

NCO Meeting, Washington, DC (March)

NEPA Community Meeting,
Portland, OR (July)

NEPA Conference, *Fulfilling the
Commitment: Implementing the Letter and
Spirit of NEPA*, McLean, VA (November)

Hanford Reactors Decommissioning EIS

New Production Reactor EIS
(Draft EIS, Not Finalized)

1992

Revised DOE NEPA Regulations

DOE Order 5440.1E (Conforming Changes
to DOE NEPA Regulations)

“Thank God for NEPA”
– Energy Secretary Watkins,
Testifying before the
House Armed Services Committee
Regarding the New Production Reactor

NEPA/CERCLA Integration Workshop,
Washington, DC (February)

NCO Meeting, Washington, DC (May)

Program Office NCO Meeting,
Washington, DC (August)

NEPA Community Meeting,
Denver, CO (October)

Frequently Asked Questions
on DOE NEPA Regulations

Columbia River Salmon Flow Measures EIS

Livermore Site-wide EIS

1993

Environmental Defense Fund v. Massey
(D.C. Cir.) – extraterritorial application

Public Service Company v. Andrus (D. ID) –
halted spent nuclear fuel shipments
to INEL until EIS prepared

DOE NEPA Web Site Established

NCO Meeting, Arlington, VA (March)

NEPA Community Meeting,
Washington, DC (August)

CEQ: Report on Incorporating Biodiversity
Considerations in NEPA Analysis

CEQ: Pollution Prevention and NEPA

Recommendations for the Preparation
of EAs and EISs (“Green Book”)

BPA Resource Programs EIS

Healy Clean Coal Project EIS

Weldon Spring CERCLA Feasibility
Study/Remedial Action EIS (Begun after
Cancellation of 1987 EIS)

1994

E.O. 12898, Environmental Justice

Secretarial Policy on NEPA

- ✓ DOE Discovers Teamwork
- ✓ NEPA Document Managers Established
- ✓ NEPA/CERCLA Policy
- ✓ EA Approval Authority to Program
and Field Offices
- ✓ 15-month EIS Goal

Environmental Assessment Process
Improvement Team “Bear” Report

DOE NEPA *Stakeholders Directory* Started
Lessons Learned Quarterly Report Started

NCO Meeting, Augusta, GA (February)

NCO Meeting,
Washington, DC (June)

NCO Meeting, Washington, DC (October)

Q&As on Secretarial NEPA Policy

Updated DOE NEPA Compliance Guide

EA Checklist

Effective Public Participation Guidance

Benefits of Site-Wide NEPA Review

Fernald Operable Unit 4 Remedial
Investigation and Feasibility Study EIS

Savannah River
Defense Waste Processing Facility
Supplemental EIS

CX – categorical exclusion
INEL – Idaho National Engineering Laboratory
NCO – NEPA Compliance Officer
WIPP – Waste Isolation Pilot Plant



Laws, Regulations, Orders



Court Decisions



Events



Meetings



Guidance



Key Environmental Impact Statements

NEPA and DOE Through the Years

1995-1999

1995

1996

1997

1998

1999

DOE Order 451.1 (Implemented Secretarial Policy, CX Authority to NCOs, New DOE Order Numbering System)

CEQ Launched NEPANet (Supported by DOE)

Contracting Quality Improvement Team Report

DOE NEPA Program Wins CEQ/NAEP Award

NEPA Quality Team Report

Conference on 25th Anniversary of NEPA, *New Visions, Better Decisions*, Washington, DC (March)

Field NCO Workshop, Albuquerque, NM (August)

NEPA Community Meeting, Los Alamos, NM (September)

Justice Department Memo on Application of NEPA to CERCLA Cleanups

Safe Interim Storage of Hanford Tank Wastes EIS

Savannah River Interim Management of Nuclear Materials EIS

Savannah River Waste Management EIS

Spent Nuclear Fuel Programmatic/ INEL Site-wide EIS

Tritium Supply and Recycle Programmatic EIS

Revised DOE NEPA Regulations

NEPA Contracting Reform Workshop, Washington, DC (March)

NCO Meeting, Washington, DC (October)

NEPA Contracting Reform Guidance

Fissile Materials Storage and Disposition Programmatic EIS

Foreign Research Reactor Spent Nuclear Fuel Programmatic EIS

Hanford Tank Waste Remediation System EIS

Nevada Test Site Site-wide EIS

Stockpile Stewardship and Management Programmatic EIS

DOE Order 451.1A (Made Consistent with 1996 DOE NEPA Regulations)

1st DOE-wide NEPA Task Order Contracts

NEPA Community Meeting, Albuquerque, NM (June)

CEQ: Considering Cumulative Effects Under NEPA

CEQ: Environmental Justice Guidance

EIS Checklist

Guidance on Corrective Actions Under RCRA

BPA Watershed Management EIS

Navajo Transmission Project EIS

Waste Management Programmatic EIS

WIPP-Supplemental EIS II

NAPA Report: DOE Improves NEPA Management Substantially

NCO Meeting, Washington, DC (March)

NEPA Community Meeting, *Improving Performance/Getting Results*, North Las Vegas, NV (October)

CX Determinations (Records) Guidance

Updated DOE NEPA Compliance Guide

EIS Summary Guidance

Glossary of Terms for DOE NEPA Documents

NEPA Document Electronic Publishing Standards and Guidelines

Designating and Supporting NEPA Document Managers

Brief Guide: DOE-wide Contracts

Public Participation Guidance, 2nd Edition

Fourmile Hill Geothermal Project EIS

Rocky Flats Plutonium Residues EIS

CEQ Memorandum on Designation of Non-Federal Agencies as Cooperating Agencies

Accelerator Production of Tritium at Savannah River EIS

Depleted Uranium Hexafluoride Programmatic EIS

INEL Advanced Mixed Waste Treatment Project EIS

Sandia Site-wide EIS

Spallation Neutron Source EIS

Surplus Plutonium Disposition EIS

Tritium Extraction Facility at Savannah River EIS

Tritium Production in Commercial Light Water Reactor EIS

NAEP – National Association of Environmental Professionals
NAPA – National Academy of Public Administration



Laws, Regulations, Orders



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Key Environmental Impact Statements

NEPA and DOE Through the Years

2000-2005

2000

2001

2002

2003

2004

2005

DOE Order 451.1B
(Added NNSA Requirements)

DOE's NEPA
Lessons Learned Program
Wins NAEP Environmental
Excellence Award

NCO Meeting,
*Looking Back/Moving Forward:
10 Years of DOE NCOs*,
Washington, DC (May)

Clean Air Act
General Conformity Requirements
and the NEPA Process

Mini-guidance Articles from *LLQR*

BPA Vegetation Management
Program EIS

Civilian Nuclear R&D and Isotope
Production/Role of FFTF
Programmatic EIS

Savannah River
Spent Nuclear Fuel
Management EIS

E.O. 13212, Expedite
Energy-Related Projects

NEPA Web Site Responds
to Post-9/11 Security Concerns

NCO Meeting,
NEPA: What's New? What's Next?,
Washington, DC (June)

National Ignition Facility
Supplemental EIS

Savannah River
Salt Processing Alternatives
Supplemental EIS

Y-12 Site-wide EIS

Sierra Club v. Bosworth (N.D. Ca.) –
EIS must address cumulative
impacts stemming from
disconnected actions with similar
timing, geography, and purpose

CEQ Established Task Force
on Modernizing NEPA
(DOE Participant)

Six DOE-Wide NEPA Contracts
Issued

DOE NEPA Web Site Redesigned

NEPA Community Meeting,
Re-Energizing NEPA at DOE,
Washington, DC (July)

CEQ: Cooperating Agency
Guidance (Established Cooperating
Agency Reports)

Accident Analysis Guidance

Policies on Application of NEPA
to CERCLA and RCRA

Geologic Repository
at Yucca Mountain EIS

Idaho High-Level Waste
and Facilities Disposition EIS

Savannah River High-Level Waste
Tanks Closure EIS

Revised Regulations for Compliance
with Floodplains/Wetlands
Protection

Revised DOE NEPA Regulations
(Made Consistent with Revised
Floodplains/Wetlands Regulations)

Hodges v. DOE (4th Cir.) –
Supreme Court declined to hear
challenge of appellate court's
approval of DOE's use
of Supplement Analysis

*Mid-States Coalition for Progress v.
Surface Transportation Board*
(8th Cir.) – consider impacts when
the nature of the effect is reasonably
foreseeable, even if the extent is not

*Citizens for Better Forestry v.
U.S. Department of Agriculture*
(9th Cir.) – public review of and
comment on EA and FONSI

CEQ Task Force Report:
Modernizing NEPA Implementation

NEPA Community Meeting,
Are We There Yet?,
Washington, DC (July)

Interim Actions Guidance

Annual NEPA
Planning Summaries Guidance

Brief Guide: DOE-wide
NEPA Contracts Revised

BPA Fish and Wildlife
Implementation Plan EIS

Chemistry and Metallurgy Research
Building Replacement EIS

*Department of Transportation v.
Public Citizen* (Sup. Ct.) – EIS not
required when agency "lacks the
power to act," issues not raised
during NEPA process cannot be
basis for later judicial
NEPA challenge

*Norton v. Southern Utah Wilderness
Alliance* (Sup. Ct.) – supplemental
EIS not required when no "ongoing
major Federal action"

White House Task Force
on Energy Project Streamlining
(DOE Participant)

10th Anniversary of *LLQR*

10th Anniversary of NEPA
Stakeholders Directory

NEPA *Stakeholders Directory*
Issued as Interactive Software
Application

NEPA Community Meeting,
Getting Better and Better,
Washington, DC (July)

EIS Comment-Response Guidance

Recommendations for the
Preparation of EAs and EISs,
2nd Edition

Hanford Solid Waste EIS

Imperial-Mexicali
Transmission Line EIS

Paducah and Portsmouth DUF₆
Conversion Facility EISs

West Valley
Waste Management EIS

OneSC NEPA Workshop (March)



*NEPA 35: Spotlight
on Environmental
Excellence*,
Washington, DC
(November)

House Resources Committee
NEPA Task Force

IG Audit of INL EIS
(Idaho Operations Office
Complied with NEPA)

CEQ Guidance on the
Consideration of Past Actions
in Cumulative Effects Analysis

CEQ: Emergency Actions
and NEPA

Supplement Analysis Guidance

Updated DOE
NEPA Compliance Guide

Updated Collection
of Mini-guidance Articles from *LLQR*

Livermore Site-wide
and Supplemental Stockpile
Stewardship and Management
Programmatic EIS

Moab Uranium Mill Tailings EIS

Tucson Electric Power
Transmission Line EIS

DUF₆ – Depleted Uranium Hexafluoride
FFTF – Fast Flux Test Facility
FONSI – Finding of No Significant Impact
INL – Idaho National Laboratory (formerly INEL)
LLQR – *Lessons Learned Quarterly Report*
NNSA – National Nuclear Security Administration
OneSC – Office of Science Restructuring
RCRA – Resource Conservation and Recovery Act



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Key Environmental Impact Statements