

**AMWTP**  
Advanced Mixed Waste Treatment Project

Public Reading Room  
U. S. Department of Energy  
Idaho Operations Office

# National Environmental Policy Act

During the late 1960s there was a growing concern among Americans that the quality of our natural environment was rapidly degrading due to national policies related to governmental decision-making. Their voices were heard in Congress. On January 1, 1970, the President of the United States signed into Federal law the **National Environmental Policy Act (NEPA)**. At the time, NEPA was viewed as a lofty goal, hoping to inspire and promote "efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man." Today, as NEPA enters its third decade, legislative and judicial review have shaped the Act so that it is firmly ingrained in the decision-making process of Federal agencies and is seen as the cornerstone of our Nation's environmental protection legislation.

NEPA established national environmental policy and goals for the protection, maintenance, and enhancement of the environment. The essential purpose of NEPA is to ensure that environmental impacts are considered on equal footing along with other factors of a proposed action, such as technical and budgetary requirements. The Act requires all Federal agencies, including the Department of Energy (DOE), to conduct a decision-making process for each major action, such as building a facility. The process must incorporate public input; systematically study, develop, and describe alternatives; and clearly identify environmental impacts of the action.

The Council on Environmental Quality (an organization established by NEPA) has developed regulations explaining the steps Federal agencies must follow to comply with the Act. DOE, in turn, has developed its own agency-specific regulations to carry out the Council's requirements.

## NEPA Process

Depending on the potential environmental impacts of the proposed action, the "NEPA process" can range from one to several steps. The first step is to compare the proposed action with the categories of actions listed in the regulations to determine what level of NEPA review is likely to be required. If the proposal falls into a category of actions which do not individually or cumulatively have significant potential impact, DOE can conclude that the action is excluded from further documentation. For other classes of actions, if there might be significant impacts, the agency prepares an Environmental Assessment. An Environmental Assessment is a general overview of potential impacts. After the Environmental Assessment is reviewed, a determination is made whether the potential impacts would be significant. If so, DOE would proceed with a more detailed analysis, an Environmental Impact Statement (EIS). Alternatively, DOE could issue a Finding of No Significant Impact if it determines there is no significant impact. For some proposed actions, an agency may decide from the beginning that an Environmental Impact Statement is necessary and will skip the preparation of an Environmental Assessment.

An Environmental Impact Statement is prepared in a series of steps: gathering Federal and state agency and public comments to define issues

## The Benefits Of The National Environmental Policy Act Include:

1. Bringing national policies in line with modern concerns for environmental protection and enhancement of environmental quality; and
2. Opening governmental activities to public scrutiny and public participation by fully disclosing the environmental costs associated with federal actions.

**Consent**

**Studies**

**Participation**

**Informed**

## Environmental Assessment

necessary for analysis (a process known as "scoping"), preparing the draft, receiving and responding to public comments on the draft, and preparing the final Environmental Impact Statement. The final step in the NEPA process is publishing a Record of Decision on the proposed action.

Finding of No Significant Impact

Public Comment on Scope of EIS

Scoping Process

Draft EIS

Public Comment on Draft EIS

Final EIS

Record of Decision

### NEPA and You

The NEPA process is structured to incorporate public comment at two key points during development of an Environmental Impact Statement:

- During scoping and
- After the draft document is released.

### Primary Focus of an EIS

During the preparation of an Environmental Impact Statement, experts examine the potential impacts of the proposed action, as well as reasonable alternatives to the proposed action. For example, if the proposal is to ship radioactive materials to one central location, alternatives might include transporting the materials to several regional locations, or storing certain types of materials at specific locations. An Environmental Impact Statement must also examine the impacts of not implementing the proposed action (the "no-action" alternative). For an ongoing activity, "no-action" might mean DOE continues using the current approach(es) to its operation.

Both the positive and negative environmental impacts of the alternatives must be considered. The Environmental Impact Statement must look at all interrelated elements of the environment, not only the natural

component (air, water, geology, ecology) but the human component as well (jobs, housing, schools, health and safety, transportation, cultural resources, environmental justice, noise, aesthetics). The Environmental Impact Statement must also identify opportunities for reducing or eliminating significant adverse impacts.

### Opportunities to Participate

Concerns raised by the public and agencies during the scoping process shape the range of actions, alternatives, and impacts to be considered in an Environmental Impact Statement. These issues must be considered as long as they are within the scope of the document. After the draft is prepared, the document is made available for public comment. Public comments are considered in the preparation of the final version. NEPA requires a minimum 45-day comment period after the draft is issued. After the final version is published, a minimum 30-day waiting period is required before the Record of Decision can be issued. After the Record of Decision is published, DOE will begin implementing its decision.

### NEPA Regulations Require

"public notice of NEPA-related hearings, public meetings, and the availability of environmental documents" so that interested persons and agencies can be informed and participate in the decision-making process.

### For More Information On The NEPA Process,

visit your local library for a copy of the regulations, found in the 40 Code of Federal Regulations sections 1500-1508. You can also visit DOE's NEPA Internet web site at: <http://tis-nt.eh.doe.gov/nepa>.



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