



# National Environmental Policy Act

DOE-NNSA LOS ALAMOS SITE OFFICE

The **National Environmental Policy Act (NEPA)** of 1969 requires the preparation of an environmental impact statement (EIS) for major federal actions that may significantly affect the quality of the environment. Under NEPA, the term “environment” encompasses the natural and physical environment (air, water, geography, and geology) as well as the relationship of people with that environment (health and safety, jobs, housing, schools, transportation, cultural resources, noise, and aesthetics). NEPA was enacted by Congress to ensure that federal agencies consider the potential environmental impacts of their proposed actions and alternatives before deciding on a course of action.

The Council on Environmental Quality (CEQ) established NEPA requirements for all federal agencies, including procedures for preparing EISs. Individual agencies, including the Department of Energy (DOE), have established their own implementing regulations to meet or exceed these requirements. The major steps in the NEPA process for preparing an EIS are as follows: issuing a **Notice of Intent** to begin the EIS process; gathering input from federal agencies, state and local governments, Native American tribes, and other stakeholders (**scoping**); preparing the **draft EIS**; receiving and responding to **public comments on the draft EIS**; preparing the **final EIS**; and issuing a **Record of Decision** (Figure 1). Decisions are not made in an EIS; rather, an EIS is one tool federal decision-makers must consider when deciding among various alternatives for a program or project.

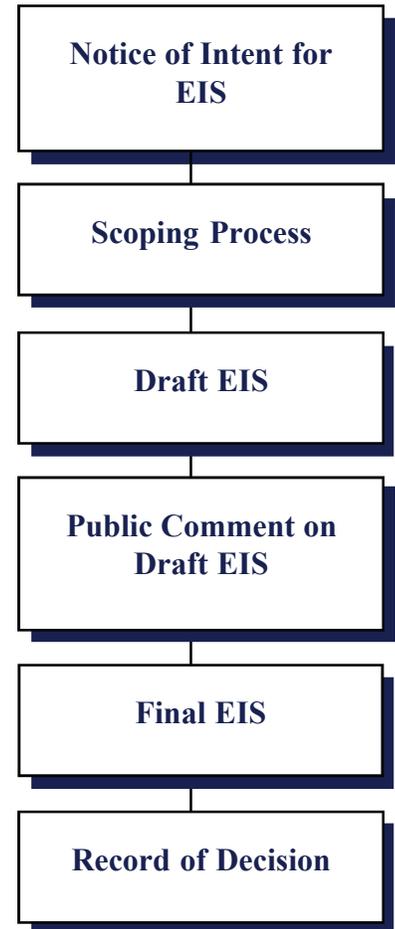


Figure 1

## NOTICE OF INTENT AND SCOPING PROCESS

A federal agency first issues a **Notice of Intent (NOI)** to prepare an EIS. The NOI is published in the *Federal Register* to inform the public that an EIS will be prepared and to formally announce the beginning of the **scoping process**. The NOI describes the proposed action and alternatives the agency is considering; provides information on issues and potential impacts; and invites comments, questions, and suggestions (both written and oral) on the scope of the EIS. In the process known as **scoping**, the public provides comments directly to the federal agency on the scope of the EIS. This aids the federal agency in determining the alternatives, issues, and environmental impacts to be analyzed in the EIS. DOE regulations require that at least one public meeting be held to facilitate the collection of public comments.

## DRAFT EIS

The **draft EIS** is the next step in the NEPA process. It describes, analyzes, and compares the potential environmental impacts of the alternatives that could be chosen to accomplish the purpose and need to which the agency is responding. It also provides information on the methodologies and assumptions used for the analyses. If one or more preferred alternative(s) exist at this stage of the NEPA process, they will be identified in the draft EIS.

## PUBLIC COMMENT ON THE DRAFT EIS

Once the draft EIS is published and distributed, a minimum of 45 days is provided for federal agencies, state and local governments, Native American tribes, and the public, to comment on the draft EIS. The public comment period begins upon publication of a **Notice of Availability (NOA)** for the draft EIS in the *Federal Register*. At least one public meeting is held to solicit public comment on the draft EIS. Other methods for submission of comments for an EIS may include a toll-free comment line, fax, e-mail, and U.S. mail. Comments received are considered in the preparation of the final EIS.

## FINAL EIS

Following the public comment period, a **final EIS** is published and distributed. The final EIS reflects consideration of all comments, contains the Department's responses to those comments, and provides revised EIS text. In addition, the final EIS will identify the agency's preferred alternative(s) if they were not identified in the draft EIS. The release of the final EIS is announced by publishing a NOA in the *Federal Register*.

## RECORD OF DECISION (ROD)

Once the final EIS is published, a minimum 30-day waiting period is required by NEPA before a **Record of Decision (ROD)** can be issued in the *Federal Register*. The ROD notifies the public of the decision made on the proposed action and the reasons for that decision. The ROD may also include consideration of other decision factors such as costs, technical feasibility, agency statutory mission, and/or national objectives.

The NEPA process does not dictate that an agency select the most environmentally beneficial alternative. The purpose of the NEPA process is to ensure that accurate environmental studies are performed; that they are done with public involvement; and that public officials, like those at DOE, make decisions based on an understanding of environmental consequences.

### YOU ARE VITAL TO THE PROCESS

*The Department is fully committed to providing public access to pertinent information about its activities and opportunities for involvement throughout the NEPA process. Accordingly, DOE encourages public involvement in the EIS development process. Your involvement in DOE's public participation process helps shape the scope and issues addressed in the EIS.*

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#### For further information or to submit comments, contact:

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