

National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 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. NEPA 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 both the physical environment (e.g., air, water, geography, geology) and the human environment (e.g., health and safety, jobs, housing, schools, transportation, cultural resources). A **Supplemental EIS (SEIS)** is prepared, circulated for public comment, and finalized in the same fashion as a draft and final EIS and is prepared if (i) the federal agency makes substantial changes in the proposed action of an existing EIS that are relevant to environmental concerns or (ii) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

The Council on Environmental Quality (CEQ) established NEPA requirements for all federal agencies, including procedures for preparing EISs (40 CFR Parts 1500-1508). Individual agencies, including the DOE, have established their own implementing regulations to meet these requirements (10 CFR Part 1021). These requirements and related information are available on the DOE NEPA website at <http://energy.gov/nepa/guidance-requirements>. The major steps in the NEPA process for preparing an EIS are: issuing a **Notice of Intent** to begin the EIS process; gathering input on the scope of the EIS from federal agencies, state and local governments, Native American tribes, the public, and other stakeholders; preparing the **draft EIS**; receiving public comments on the draft EIS and responding to those comments in a **final EIS**; and issuing a **Record of Decision**. The Record of Decision explains the agency’s decision, which is based on the EIS and other related information (such as policy, technical factors, and costs).

NOTICE OF INTENT AND SCOPING PROCESS

The National Nuclear Security Administration (NNSA), an agency within the Department of Energy (DOE), decided that the 1999 Final Environmental Impact Statement for the Production of Tritium in a Commercial Light Water Reactor (CLWR EIS), which assessed the environmental impacts of producing tritium in Tennessee Valley Authority (TVA) reactors, needs to be supplemented to further analyze environmental impacts based on new data on tritium permeation obtained from several years of tritium production experience at TVA’s Watts Bar Unit 1 reactor. NNSA published a **Notice of Intent (NOI)** for the CLWR SEIS in the *Federal Register* on September 28, 2011, to inform the public that an SEIS 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 that will be analyzed in the SEIS; and invites comments, questions, and suggestions (both written and oral) on the scope of the SEIS. These scoping comments aid NNSA in determining the alternatives, issues, and environmental impacts to be analyzed in the SEIS.

DRAFT SEIS

A **draft SEIS** describes, analyzes, and compares the potential environmental impacts of reasonable alternatives that could accomplish the purpose and need to which the agency is responding. In addition, the environmental impacts associated with the alternative of continuing with ongoing activities (the No Action Alternative) is also analyzed. A draft SEIS 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 SEIS. NNSA issued the draft SEIS in August 2014 and the Environmental Protection Agency (EPA) published a Notice of Availability for the draft SEIS in the *Federal Register* on August 8, 2014, and an amended notice on August 15, 2014.

PUBLIC COMMENT ON A DRAFT SEIS

Once the draft SEIS is distributed, a minimum of 45 days is provided for federal agencies, state and local governments, Native American tribes, the public, and other stakeholders to comment on the draft. The public comment period begins when the Environmental Protection Agency (EPA) publishes a Notice of Availability for the draft SEIS in the *Federal Register*. At least one public hearing is held to solicit public comment on a draft EIS. For the draft SEIS, two public hearings will be held: September 9, 2014, at the Southeast Tennessee Trade and Conference Center, Athens, Tennessee; and September 10, 2014, at the Chattanooga State Community College, Chattanooga, Tennessee. The public comment period is scheduled to end on September 22, 2014. Other methods to submit comments on the draft SEIS will include U.S. mail and e-mail. All comments received will be considered in the preparation of the final SEIS.

FINAL SEIS

Following the public comment period for the draft SEIS, a **final SEIS** is prepared and distributed. A final SEIS reflects consideration of all comments received on the draft SEIS, contains the Department's responses to those comments, and reflects updated and revised analyses of potential environmental impacts. In addition, a final SEIS will identify the agency's preferred alternative(s), if it had not been identified previously. EPA will publish a Notice of Availability in the *Federal Register* when a final SEIS is issued.

RECORD OF DECISION

Once the final SEIS is distributed, DOE waits a minimum of 30 days before issuing a **Record of Decision (ROD)**, which will be published in the *Federal Register*. The ROD notifies the public of the decision(s) made on the proposed action and the reasons for the decision(s). In addition to potential environmental impacts, the ROD may include consideration of other decision factors such as technical feasibility, agency statutory mission and national objectives, and cost. 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 there is public involvement; and that public officials, like those at NNSA, make decisions based on an understanding of environmental consequences.

For further information, please contact:

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