



Understanding the National Environmental Policy Act (NEPA) Process

On October 19, 2006, the National Nuclear Security Administration (NNSA), the semi-autonomous nuclear weapons agency within the Department of Energy (DOE), published a formal Notice of Intent in the *Federal Register* to build “Complex 2030,” the nuclear weapons complex of the future. If allowed to move forward, this new “Bombplex” will design new nuclear weapons and resume industrial-scale bomb production.

This announcement is the beginning of a legal process under the National Environmental Policy Act (NEPA), which requires federal agencies to consider and analyze the environmental impacts of their proposed major actions. NEPA also requires that the public be given the opportunity to comment on proposed actions before decisions are made. Government agencies must then respond to those public comments. Typically, major federal proposals are analyzed in an “environmental impact statement.” If a proposal involves an entire program, such as NNSA’s nuclear weapons program, a “programmatic environmental impact statement” (PEIS) is required.

In 1996, DOE completed a “Stockpile Stewardship and Management PEIS” for the consolidation and transformation of its post-Cold War nuclear weapons complex. Since then, NNSA has proposed various “supplements” to the 1996 PEIS. NNSA is initiating this Complex 2030 as yet another Supplemental PEIS (or “SEIS”).

After a Notice of Intent, the second step in the NEPA process is to determine the “scope” of the environmental impact statement, for which the agency must also solicit public comment. The NEPA definition states “scope consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement.” Therefore, public scoping comments are vital to frame and expand the range of issues that need to be considered in this Bombplex SEIS.

In particular, NEPA requires federal agencies to “briefly specify the underlying purpose and need” for the proposed action and to “rigorously explore and objectively evaluate all reasonable alternatives.” At a minimum, that must include the agency’s preferred alternative, a “no action alternative” and “other reasonable courses of action.”

The scope of mission and need becomes critical in public comment on the proposed Bombplex. The public has the right to question and elevate debate over the present course of U.S. nuclear weapons policies, particularly when those policies have shifted from the classic “deterrence” of the Cold War era to possible nuclear first strikes.

The scope of the SEIS as defined by the NNSA does not give all reasonable alternatives. What is needed, and what the public should demand in scoping comments, is a true alternative option that advocates decreased reliance on nuclear weapons, no new designs, no expansion of pit production, and increased weapon dismantlements. Let’s get rid of the old nuclear weapons, not produce new ones.

Once the scope of the SEIS is determined, the NNSA must release a detailed draft, currently expected July 2007. That will be followed by at least a 45-day comment period with more public meetings. From there, the NNSA says it will release its final Complex 2030 SEIS in May 2008, and it could reach a formal Record of Decision in June 2008 to implement Complex 2030.

Twelve scoping hearing have been scheduled around the country at which the public can give oral comments or submit written comments. The calendar of hearings can be downloaded here: <http://www.ananuclear.org/Bombplex/CalendarOfHearings.doc>

All written comments must be submitted by January 17, 2007. Comments can be submitted via email or through the postal service.

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It is vital that the public become involved in U.S. nuclear weapons policies and the future complex that will implement those policies!

IN BRIEF: Department of Energy National Environmental Policy Act Process

http://www.eh.doe.gov/nepa/tools/guidance/DOENEPAndYouBrochure_10_20_2006.pdf

Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS)

- First, DOE publishes a Notice of Intent to prepare an EIS in the *Federal Register* and makes local announcements. This notice states the need for action and provides preliminary information on the EIS scope, including the alternative actions to be evaluated, the kinds of potential environmental impacts to be analyzed, and related issues.

Scoping Process

- DOE requests public comments on the scope of the EIS. What alternatives should be evaluated? What potential environmental impacts should be analyzed? DOE's scoping process will last at least 30 days, with at least one public meeting.

Notice of Availability (NOA) and release of draft EIS

- DOE considers scoping comments in preparing a Draft EIS. An EIS (Draft or Final) analyzes and compares the potential environmental impacts of the various alternatives, one of which is always a "no action" alternative. The EIS also discusses ways to avoid or reduce adverse impacts. A Draft EIS will identify DOE's preferred alternative(s) if known at the time.

Public review and comment on draft EIS, including hearings (45 days minimum)

- After DOE issues a Draft EIS, the U.S. Environmental Protection Agency (EPA) publishes a Notice of Availability in the *Federal Register* to begin the public comment period, which will last at least 45 days. DOE also will announce details regarding how the public may comment on the Draft EIS, either orally at a public hearing (at least one must be held) or in writing.

NOA and release of Final EIS

- DOE is required to consider all timely public comments on the Draft EIS in preparing the Final EIS, which must respond to all such comments. The Final EIS identifies DOE's preferred alternative(s). After DOE issues the Final EIS, EPA publishes a Notice of Availability in the *Federal Register*.

Record of Decision (ROD) (after a minimum of 30 days)

- DOE must wait at least 30 days after the EPA Notice of Availability of the Final EIS before issuing a Record of Decision. A Record of Decision announces and explains DOE's decision about which alternative is selected and describes any commitments for mitigating potential environmental impacts.

