

The Environmental Review Process for the SEIS for the West Valley Site

What is NEPA?

The National Environmental Policy Act of 1969 (NEPA) is our basic national charter for protection of the environment. NEPA requires that federal agencies consider the potential environmental impacts of their proposed actions before making decisions. Two major purposes of the NEPA process are better informed decisions and citizen involvement. NEPA requires the preparation of an environmental impact statement (EIS) for major federal actions that may significantly affect the quality of both the physical and human environment.



Although NEPA is a procedural law that does not dictate the decision to be made by the federal agency, NEPA does require that federal agencies:

- Provide opportunities for public involvement, which may include participating in scoping, reviewing draft EISs, and attending public meetings.
- Formally assess the environmental impacts of their major federal actions and consider all reasonable alternatives.

What is SEQR?

New York's State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decisionmaking. Under SEQR, agencies must determine whether the actions they directly undertake, fund, or approve may have a significant impact on the environment and, if so, to prepare or request an EIS. EISs provide a means to give early consideration to environmental factors and assist in balancing environmental issues with social and economic considerations in decisionmaking.

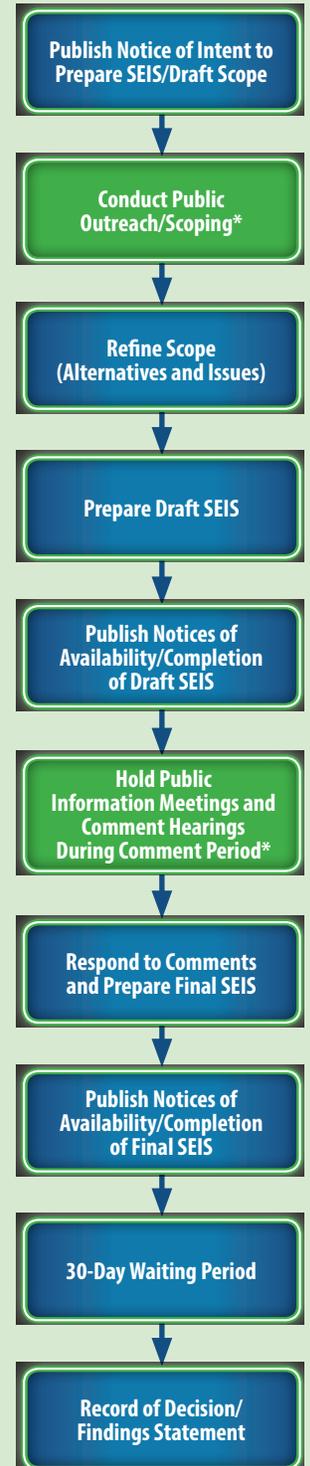
Although the SEQR process is similar to NEPA, SEQR is both a procedural and a substantive law. This means that, in addition to establishing environmental review procedures, the law mandates that agencies act on the substantive information produced by the environmental review. This may result in project modifications and can lead to project denial if the adverse environmental impacts are overriding and adequate mitigation or alternatives are not available.

What is the Scoping Process for the SEIS?

The U.S. Department of Energy (DOE) and the New York State Energy Research and Development Authority (NYSEERDA) have determined that the preparation of an SEIS would further the purposes of NEPA and SEQR by including new information and changes since issuance of the 2010 Final EIS, and is consistent with the commitment in the 2010 ROD and Findings Statement to providing robust and meaningful opportunities for public participation during decommissioning.

The agencies announced the start of the process to prepare the *Supplemental Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center* (DOE/EIS-0226-S1) with the publication, on **February 21, 2018**, of a Notice of Intent and Draft Scope (NOI) by DOE in the *Federal Register* and NYSEERDA's notice in the New York State *Environmental Notice Bulletin*. The NOI describes the proposed action and preliminary alternatives DOE and NYSEERDA are considering; identifies the preliminary issues and potentially significant impacts for analysis; and invites comments on the proposed scope of the document.

The SEIS Process



*Opportunities for public involvement

What will be included in the Draft SEIS?

The Draft SEIS will describe the proposed action, purpose and need for action, alternatives, the affected environment, potential environmental consequences of the proposed action and alternatives, and potential mitigation measures.



The Draft SEIS will analyze and compare the potential environmental impacts of a range of reasonable alternatives. As required by NEPA and SEQR, the SEIS will also analyze the No Action Alternative. The Draft SEIS will also describe the methodologies and analytical assumptions. The agencies intend to identify a preferred alternative in the Draft SEIS.

How does the public comment on a Draft SEIS?

Once the Draft SEIS is distributed to the public, the U.S. Environmental Protection Agency (EPA) and NYSEKDA will announce its availability in the *Federal Register* and the New York State *Environmental Notice Bulletin* and on the SEIS website (www.SEISWestValleySite.com). The agencies will invite public comments and participation at public hearings during a 6-month comment period (the required minimum under NEPA is 45 days). The agencies will provide multiple ways to comment, including in writing via U.S. mail, email, or the SEIS website, and orally or in writing at public hearings.

How will the Final SEIS be prepared?

Following the public comment period for the Draft SEIS, DOE and NYSEKDA will consider the public comments received and prepare the Final SEIS. The Final SEIS will reflect consideration of the comments and will contain the agencies' responses to them. It will include, as appropriate, updated and revised analyses of potential environmental impacts. After the Final SEIS is distributed to the public, the EPA will publish a notice of its availability in the *Federal Register*, and NYSEKDA will publish a notice of completion in the New York State *Environmental Notice Bulletin*.

What is the Record of Decision/Findings Statement?

DOE will wait at least 30 days after publication of EPA's notice of availability before issuing a Record of Decision (ROD), which will be published in the *Federal Register*. In accordance with NEPA, the ROD will identify the decision made on the proposed action, the alternatives considered (including those considered to be environmentally preferable), the basis for the decision, and whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted.

Similarly, under SEQR, NYSEKDA will wait at least 10 days after acceptance of the Final EIS before publishing a Findings Statement in the New York State *Environmental Notice Bulletin*. The Findings Statement will, among other things, certify that all SEQR requirements for making decisions have been met, provide a rationale for the agency's decision, and certify that, consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.

Ways to provide comments on the proposed scope and content of the SEIS:

- By verbally commenting at one of the three public meetings
- By submitting comment forms available at one of the three public meetings
- By submitting via the project website at: www.SEISWestValleySite.com
- By email to: SEISWestValleySite@emcbc.doe.gov
- Or by U.S. mail to:

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Comments are due by **April 23, 2018**.

Late comments will be considered to the extent practicable.

For more information, see:

www.nepa.gov
www.epa.gov/nepa
www.energy.gov/nepa
and www.dec.ny.gov/permits/357.html.