

DOE Consolidated Comments - CEQ Proposed Guide, “Aligning the Complementary Processes of Environmental Management Systems and the National Environmental Policy Act

GENERAL COMMENTS:

1. The guidance would benefit from including a Summary or Preface, subsections, and a Table of Contents.
2. The heading on column 3 of the Table would be more accurate if it was entitled “Analogous NEPA Provisions.” Columns 2 and 3 of the Table should be reversed – reading across the page, it makes sense to review the EMS element as a baseline, then the analogous NEPA provisions, then the complementary examples.

SPECIFIC COMMENTS:

1. Page 2, paragraph 1. Recommend title of subsection -Section I-NEPA and EMS.
Page 2, paragraph 3. Recommend last sentence read, “Thus, the focus of an EMS is ultimately on the active management of environmental issues that includes monitoring and action based on monitoring results for continual improvement.”
2. Page 3, paragraph 4. Recommend the paragraph read, “A major component of the NEPA process is communicating and involving the interested public about the proposal under consideration and thereby help focus public involvement. An EMS can provide numerous opportunities for communicating with the internal organization and the public, particularly on significant environmental aspects and corrective action and continual improvement.”
3. Page 4, paragraph 3. Recommend a title of subsection to start this paragraph-Section II-Implementation Guidance.
Page 4, paragraph 3, second sentence. Recommend sentence read, “Implementation strategies include, but are not limited to:”
Page 4, paragraph 3, bullet three. Recommend the bullet read, “Identifying NEPA knowledge as a competency required for an agency’s EMS practices.”
4. Page 5, paragraph 1, first full sentence. Recommend sentence read, “An EMS uses a holistic approach to address the full range of ongoing activities (and products and services) . . .”
5. Page 6, paragraph 1. Exception is taken to the term “real-time adjustments” used in conjunction with adaptive management. This sentence could imply that change control, stop work authority, re-evaluation under controlled conditions, additional hazard review, and analysis and mitigation can be displaced by real-time, spur-of-the moment field decisions and adjustments. That would not be condoned by our operational guidelines nor is it condoned by an EMS program.
Page 6, paragraph 3, first sentence. Recommend sentence read, “The Table provided below highlights the complementary processes of EMS and NEPA.”

6. Page 7, Table, column EMS Elements, Environmental Aspects. Recommend including some language about significant environmental aspects.
Page 7, Table, column NEPA. Recommend moving the last sentence “The completed NEPA process provides information to update the EMS aspects” to the EMS and NEPA Complementary Examples column.
Page 7, Table, column EMS and NEPA Complementary Examples, Policy, paragraph 2. NEPA Section 101 is not generally construed as a “general statement of the federal government’s commitment to continuous environmental improvement.” Suggest deleting this paragraph.
7. Page 8, Table, column NEPA, paragraph 1, sentence 1. Insert “regulations and” between “NEPA” and “procedures.”
8. Page 9, Table, column EMS Elements, Competence, Training and Awareness. Recommend language citing the importance of awareness of the EMS for both internal organization staff and the public to foster continual improvement.
Page 9, Table, column NEPA, paragraph 2. Change “EIS/EIS” to “EIS/ROD.”
9. Page 10, Table, column EMS Elements, Communication. Recommend language emphasizing the importance of internal communication.
Page 10, Table, column EMS and NEPA Complementary Examples, Documentation, paragraph 2. Recommend sentence read: “The EA/FONSI and EIS/ROD developed during the NEPA process should be reviewed for inclusion in the EMS documentation, particularly when they set forth commitments for agency actions.”
10. Page 12, Table, column EMS Elements, Operational Control. Recommend this section read, “Operational controls are an important element for managing EMS goals, objectives and targets. Operational controls are applied to specific activities or processes managed by the Environmental Management Program (EMP) and can fall into two categories—engineering and administrative.”
11. Page 14, All Table columns, Nonconformity, Corrective and Preventive Action. Either use “preventive” or “preventative” but be consistent.