

(1) When the proposed action is, or is closely similar to, one which normally requires the preparation of an EIS pursuant to §50.42(b) but it is determined, as a result of an EA or in the course of preparation of a draft EIS, that the proposed action will not have a significant impact on the human environment; or

(2) When the nature of the proposed action is without precedent and does not appear to require more than an assessment.

(b) In such cases, the FONSI must be concurred in by the AS/CPD and the Program Environmental Clearance Officer. Notice of the availability of the FONSI shall be given to the public in accordance with paragraphs (a) through (d) of §50.23.

#### **§50.35 Use of prior environmental assessments.**

When other Federal, State, or local agencies have prepared an EA or other environmental analysis for a proposed HUD project, these documents should be requested and used to the extent possible. HUD must, however, conduct the environmental analysis and prepare the EA and be responsible for the required environmental finding.

#### **§50.36 Updating of environmental reviews.**

The environmental review must be re-evaluated and updated when the basis for the original environmental or compliance findings is affected by a major change requiring HUD approval in the nature, magnitude or extent of a project and the project is not yet complete. A change only in the amount of financing or mortgage insurance involved does not normally require the environmental review to be re-evaluated or updated.

### **Subpart F—Environmental Impact Statements**

#### **§50.41 EIS policy.**

EIS's will be prepared and considered in program determinations pursuant to the general environmental policy stated in §50.3 and 40 CFR 1505.2 (b) and (c).

#### **§50.42 Cases when an EIS is required.**

(a) An EIS is required if the proposal is determined to have a significant impact on the human environment pursuant to subpart E.

(b) An EIS will normally be required if the proposal:

(1) Would provide a site or sites for hospitals or nursing homes containing a total of 2,500 or more beds; or

(2) Would remove, demolish, convert, or substantially rehabilitate 2,500 or more existing housing units (but not including rehabilitation projects categorically excluded under §50.20), or which would result in the construction or installation of 2,500 or more housing units, or which would provide sites for 2,500 or more housing units.

(c) When the environmental concerns of one or more Federal authorities cited in §50.4 will be affected by the proposal, the cumulative impact of all such effects should be assessed to determine whether an EIS is required. Where all of the affected authorities provide alternative procedures for resolution, those procedures should be used in lieu of an EIS.

#### **§50.43 Emergencies.**

In cases of national emergency and disasters or cases of imminent threat to health and safety or other emergency which require the taking of an action with significant environmental impact, the provisions of 40 CFR 1506.11 and of any applicable §50.4 authorities which provide for emergencies shall apply.

## **PART 51—ENVIRONMENTAL CRITERIA AND STANDARDS**

### **Subpart A—General Provisions**

Sec.

- 51.1 Purpose.
- 51.2 Authority.
- 51.3 Responsibilities.
- 51.4 Program coverage.

### **Subpart B—Noise Abatement and Control**

- 51.100 Purpose and authority.
- 51.101 General policy.
- 51.102 Responsibilities.
- 51.103 Criteria and standards.
- 51.104 Special requirements.
- 51.105 Exceptions.
- 51.106 Implementation.