

## § 520.22

reflects similar comparisons of reasonably available alternatives; and

(8) Concludes with a negative declaration or recommends the preparation of a DEIS.

(f) *Negative declarations.* (1) If the responsible official judges that the environmental impact of a proposed or ongoing action under his jurisdiction will not significantly affect the quality of the human environment, the following declaration will be included in the environmental review report:

It is the judgment of this agency, based on available information, that no significant environmental impact will result from execution of this action.

(2) A DEIS may be changed to a negative declaration if the public review process indicates that the proposal or ongoing action will not have a significant effect upon the environment.

(3) An index of all negative declarations and a copy of each environmental review report shall be retained by the responsible official under whose jurisdiction it was prepared and shall be made available for public inspection upon request.

(g) *Notice of intent to prepare a draft environmental impact statement.* If the responsible official under whose jurisdiction an environmental review is prepared determines that the proposed or ongoing action could have a potentially significant effect on the quality of the environment, he shall: coordinate with the Associate Administrator for Planning and Evaluation and the Chief Counsel, transmit to appropriate Federal, State and local agencies and have published in the FEDERAL REGISTER a notice of intent to prepare an environmental statement as soon as is practicable after the determination to prepare such a statement.

### § 520.22 Maintenance of a list of actions.

(a) The Associate Administrator for Planning and Evaluation shall be responsible for the preparation and maintenance of a list of actions for which draft or final environmental impact statements have been or are to be prepared. This list shall be on file with the Associate Administrator for Planning and Evaluation and shall be available for public inspection in the Docket

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Section upon request. A copy of the initial list and its updates at the end of each calendar quarter shall be transmitted by the Associate Administrator for Planning and Evaluation to TES and CEQ.

(b) If a determination is made that an environmental statement is not necessary for a proposed action (1) which has been identified as normally requiring preparation of a statement, (2) which is similar to actions for which a significant number of statements have been prepared, (3) which the agency has previously announced would be the subject of a statement, or (4) for which the official responsible for such proposal has made a negative determination in response to a request from the CEQ, a record briefly setting forth the decision and the reasons for that determination shall be prepared by the responsible official. Such a record of negative determinations and any evaluations made pursuant to § 520.21 which conclude that preparation of a statement is not yet timely shall be prepared by the responsible official, submitted to the Associate Administrator for Planning and Evaluation, and made available by the Associate Administrator for Planning and Evaluation in the same manner as provided in paragraph (a) of this section for lists of statements under preparation.

### § 520.23 Preparation of draft environmental impact statements.

(a) *Planning stage.* (1) When a DEIS is to be prepared, the responsible official shall promptly initiate its preparation and develop a schedule in consultation with the Associate Administrator for Planning and Evaluation, to assure completion prior to the first significant point of decision in the program or project development process.

(2) The environmental impacts of proposed activities should be initially assessed concurrently with the initial technical and economic studies.

(3) Section 102(2)(A) of NEPA requires each Federal agency to utilize a "systematic, interdisciplinary approach" to plans and programs affecting the environment. To assure that all environmental impacts are identified and assessed, all relevant disciplines should be represented. If the necessary

disciplines are not represented on the staff of the applicant or NHTSA, it is appropriate to use professional services available in other Federal, State or local agencies, universities, or consulting firms. The use of the interdisciplinary approach should not be limited to the environmental statement. This approach should also be used in the early planning stages to help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences.

(b) *Form and content requirements.* Attachment 1 of this order prescribes the form and content requirements to be followed for each draft and final environmental impact statement. The DEIS must fulfill and satisfy, to the fullest extent possible at the time it is prepared, the requirements established for final statements.

(c) *Lead agency.* CEQ guidelines provide that when more than one Federal agency (1) directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or (2) is involved in a group of actions directly related to each other because of their functional interdependence and geographical proximity, consideration should be given to preparing one statement for all the Federal actions involved. Agencies in such cases should consider the designation of a single "lead agency" to assume supervisory responsibility for preparation of a joint statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. The statement should contain an evaluation of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Some relevant factors in determining an appropriate lead agency are: The time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. Questions concerning "lead agency" decisions should be raised with CEQ

through TES. For projects serving and primarily involving land owned by or under the jurisdiction of another Federal agency, that agency may be the appropriate lead agency.

(d) *Applicants.* Where the agency requests an applicant for financial assistance or other agency approval to submit an environmental assessment, the responsible official will (1) assist the applicant by outlining the information required, and (2) in all cases make his own evaluation of the environmental issues involved and take responsibility for the scope and content of draft and final environmental statements.

#### **§ 520.24 Internal processing of draft environmental impact statements.**

Before circulating a DEIS for external review, the official responsible for the DEIS shall receive the concurrence of the Associate Administrator for Planning and Evaluation and the Chief Counsel; and prepare a memorandum for approval by the Administrator which shall:

(a) Set forth the basis on which it was determined that a potentially significant environmental effect exists;

(b) Attach the DEIS;

(c) Identify the Federal, State, and local agencies and private sources from which comments on the DEIS are proposed to be solicited (see Attachment 2);<sup>1</sup> and

(d) Include a recommendation on whether a public hearing on the proposed action should be held.

#### **§ 520.25 External review of draft environmental impact statements.**

(a) *Requirements.* The official responsible for the DEIS shall:

(1) Transmit 5 copies of the DEIS to the CEQ and 2 copies to TES;

(2) Solicit comments from all Federal, State, and local agencies which have jurisdiction by law or special expertise with respect to the possible environmental impact involved, and from the public (see Attachment 2); and

(3) Inform the public and interested parties of the availability of the DEIS and provide copies as appropriate; and

(4) Allow a comment period of not less than 45 days from the Friday of

<sup>1</sup> Filed as part of the original document.