

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

June 20, 1980

CEQ 21

Federal Register
Room 8401
1101 L Street, N.W.
Washington, D.C. 20408

ATTN: Ilona Mays

Dear Ms. Mays:

I am enclosing the Eighth Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act and the Fifth Progress Report on Agency Procedures Implementing E.O. 12114 for publication in the Federal Register at the earliest possible time.

Your cooperation in publication of the progress report is greatly appreciated. If there are any questions, please contact me at 395-5750.

Sincerely,



C. Foster Knight
Deputy General Counsel

Enclosures

COUNCIL ON ENVIRONMENTAL QUALITY

Fifth Progress Report On Agency Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions" (January 4, 1979)

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information Only: Publication of Fifth Progress Report on Agency Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions"

SUMMARY: On January 4, 1979, President Carter issued Executive Order 12114 entitled "Environmental Effects Abroad of Major Federal Actions." Executive Order 12114 requires all federal agencies taking major federal actions outside the U.S. which are encompassed by and not exempted from the Order, to have in effect procedures implementing the Order within 8 months after January 4, 1979 (i.e., by September 4, 1979). The Order requires agencies to consult with the Council on Environmental Quality and the Department of State before putting their implementing procedures in effect. The Council has previously published certain explanatory documents concerning implementation of E.O. 12114 (44 F.R. 18722, March 29, 1979). On September 26, 1979 the Council published its first progress report on agency procedures implementing the Executive Order (44 F.R. 55410), on November 6, 1979 a second progress report (44 F.R. 64101), on January 29, 1980 a third progress report (45 F.R. 6638), and on March 25, 1980 a fourth progress report (45 F.R. 19293). The purpose of this fifth progress report is to provide an update on where affected agencies stand in this process.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006; (202) 395-5750.

FIFTH PROGRESS REPORT ON AGENCY PROCEDURES IMPLEMENTING E.O. 12114

The progress report lists federal agencies in two categories. In Category 1 are agencies that have published proposed or final procedures implementing Executive Order 12114. Category 2 lists agencies that have prepared draft procedures or are in the process of developing such procedures, and contains an estimated time such procedures will be published in the Federal Register.

Category 1--Federal agencies that have published proposed or final procedures implementing E.O. 12114.

Department of Defense	Final Procedures issued April 12, 1979 (44 Fed. Reg. 21786)
Export-Import Bank of the United States	Final* Procedures issued August 20, 1979 (44 Fed. Reg. 50813)
Overseas Private Investment Corporation	Final* Procedures issued August 31, 1979 (44 Fed. Reg. 51385)
National Oceanic and Atmospheric Administration	Proposed Revised NOAA Directive Implementing NEPA and E.O. 12114, October 22, 1979 (44 Fed. Reg. 60779)

Department of Commerce

Proposed Procedures issued February 12, 1980

(45 F.R. 9307)

Department of Energy

Proposed Guidelines issued September 6,

1979 (44 Fed. Reg. 52146)

Department of State

(1) Foreign Affairs Manual Circular No.

807A, Procedures Implementing E.O. 12114,*

(except nuclear actions) November 21,

1979 (44 Fed. Reg. 67004).

(2) "Unified Procedures Applicable To

Major Federal Actions Relating To Nuclear

Activities Subject To Executive Order

12114,"* November 13, 1979 (44 Fed. Reg.

65560)

Agency for International

Proposed Environmental Regulations, October 1,

Development

1979 (44 Fed. Reg. 56378)

Department of Transportation

Contained in NEPA procedures (DOT Order

5610.1C) issued October 1, 1979 (44 Fed.

Reg. 56420), Paragraph 16

National Aeronautics and

Contained in NEPA procedures, Section

Space Administration

1216.321 issued July 30, 1979 (44 Fed.

Reg. 44490-44491)

Department of Agriculture

Proposed amendments (containing procedures implementing E.O. 12114) to departmental NEPA procedures, November 15, 1979 (44 Fed. Reg. 65768)

Environmental Protection
Agency

Proposed procedures implementing E.O. 12114, November 29, 1979 (44 Fed. Reg. 68776)

* Although not published in proposed form for public review and comment, the preamble provides an opportunity for public comment on final procedures.

Category 2--Federal agencies scheduled to publish procedures implementing E.O. 12114 in the near future.

Department of Treasury

Proposed procedures implementing E.O. 12114 are awaiting final approval. (Publication anticipated by July 15, 1980).

Department of Interior

Draft procedures implementing E.O. 12114 are under preparation. These procedures are expected to be published in the near future.

NICHOLAS C. YOST

General Counsel

DATE: June 20, 1980

AGENCY: Council on Environmental Quality, Executive Office of the
President

ACTION: Information Only: Publication of Eighth Progress Report on
Agency Implementing Procedures Under the National Environmental
Policy Act

SUMMARY: In response to President Carter's Executive Order 11991, on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). 43 F.R. 55978-56007; 40 C.F.R. 1500-08) Section 1507.3 of the regulations provides that each agency of the Federal Government shall have adopted procedures to supplement the regulations by July 30, 1979. The Council has indicated to Federal agencies its intention to publish progress reports on agency efforts to develop implementing procedures under the NEPA regulations. The purpose of these progress reports, the eighth of which appears below, is to provide an update on where agencies stand in this process and to inform interested persons of when to expect the publication of proposed procedures for their review and comment.

FOR FURTHER INFORMATION CONTACT:

Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722
Jackson Place, N.W., Washington, D.C. 20006; 202-395-5750.

EIGHTH PROGRESS REPORT ON AGENCY IMPLEMENTING
PROCEDURES UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT

At the direction of President Carter (Executive Order 11991), on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). These regulations appear at Volume 43 of the Federal Register, pages 55978-56007 and in forthcoming revisions to Volume 40 of the Code of Federal Regulations, Sections 1500-1508. Their purpose is to reduce paperwork and delay associated with the environmental review process and to foster environmental quality through better decisions under NEPA.

Section 1507.3 of the NEPA regulations provides that each agency of the Federal government shall adopt procedures to supplement the regulations. The purpose of agency "implementing procedures," as they are called, is to translate the broad standards of the Council's regulations into practical action in Federal planning and decisionmaking. Agency procedures will provide government personnel with additional, more specific direction for implementing the procedural provisions of NEPA, and will inform the public and State and local officials of how the NEPA regulations will be applied to individual Federal programs and activities.

In the course of developing implementing procedures, agencies are required to consult with the Council and to publish proposed procedures in the Federal Register for public review and comment. Proposed procedures must be revised as necessary to respond to the ideas and suggestions made during the comment period. Thereafter, agencies are required to submit the proposed final version

of their procedures for 30 day review by the Council for conformity with the Act and the NEPA regulations. After making such changes as are indicated by the Council's review, agencies are required to promulgate their final procedures. Although CEQ's regulations required agencies to publish their procedures by July 30, 1979 a number of Federal agencies did not meet this deadline. We stress, however, that the CEQ regulations are in effect now and are binding on all agencies of the Federal government now, whether or not the agencies are on time or laggard with their own procedures.

The Council published its first progress report on agency implementation procedures on May 7, 1979, its second report on July 23, 1979, its third report on September 26, 1979, its fourth report on November 2, 1979, its fifth report on December 14, 1979, its sixth report on January 29, 1980 and its seventh progress report on March 25, 1980. (44 F.R. 26781-82; 44 F.R. 43037-38; 44 F.R. 55408-55410; 44 F.R. 63132-63133; 44 F.R. 72622-72623; 45 F.R. 6638-6640; 45 F.R. 19294.) The eighth progress report appears below. The Council hopes that concerned members of the public will review and comment upon agency procedures to insure that the reforms required by President Carter and by the Council's regulations are implemented. Agencies preparing implementing procedures are listed under one of the following four categories:

Category # 1: Final Procedures Have Been Published

This category includes agencies whose final procedures have appeared in the Federal Register.

Advisory Council on Historic Preservation, 45 F.R. 4353 (Jan. 22, 1980).

Central Intelligence Agency, 44 F.R. 45431 (Aug. 2, 1979).

Department of Agriculture, 44 F.R. 44802 (July 30, 1979)

Animal and Plant Health Inspection Service, 44 F.R. 50381

(Aug. 28, 1979) [correction: 44 F.R. 51272 (Aug. 31, 1979)]

Forest Service, 44 F.R. 44718 (July 30, 1979)

Soil Conservation Service, 44 F.R. 50576 (Aug. 29, 1979)

Rural Electrification Administratio, 45 F.R. 6592 (Jan. 29, 1980)

Department of Commerce, at the Federal Register

Department of Defense, 44 F.R. 46841 (Aug. 9, 1979)

Department of Energy, 45 F.R. 20694 (Mar. 28, 1980)

Department of Health and Human Services (formerly HEW), notice of adoption
of final procedures, 45 F.R. 30138 (May 7, 1980)

Department of the Interior (revised), 45 F.R. 27541 (April 23, 1980)

Department of Transportation, 44 F.R. 56420 (Oct. 1, 1979)

Coast Guard, 45 F.R. 32816 (May 19, 1980)

Federal Aviation Administration, 45 F.R. 2244 (Jan. 10, 1980)

Federal Railroad Administration, 45 F.R. 40854 (June 16, 1980)

Department of the Treasury, 45 F.R. 1828 (Jan. 8, 1980)

Environmental Protection Agency, 44 F.R. 64174 (Nov. 6, 1979)

Export-Import Bank, 44 F.R. 50810 (Aug. 30, 1979)

Federal Emergency Management Agency, at the Federal Register

Federal Maritime Commission, 45 F.R. 33996 (May 21, 1980)

General Services Administration, 45 F.R. 83 (Jan. 2, 1980)

Public Buildings Service (see 44 F.R. 65675, Nov. 14, 1979)

International Communications Agency, 44 F.R. 45489 (Aug. 2, 1979)

Marine Mammal Commission, 44 F.R. 52837 (Sept. 11, 1979)

National Aeronautics and Space Administration, 44 F.R. 44485 (July 30, 1979)

[corrections: 44 F.R. 49650 (Aug. 24, 1979); 44 F.R. 69920 (Dec. 5, 1979)]

National Capitol Planning Commission, 44 F.R. 64923 (Nov. 8, 1979)

National Science Foundation, 45 F.R. 39 (Jan. 2, 1980)

Overseas Private Investment Corporation, 44 F.R. 51385 (Aug. 31, 1979)

[NEPA Procedures are contained in this agency's procedures implementing Executive Order 12114 cited above.]

Postal Service, 44 F.R. 63524 (Nov. 5, 1979)

Small Business Administration, 45 F.R. 7358 (Feb. 1, 1980).

Water Resources Council, 44 F.R. 69921 (Dec. 5, 1979)

Category #2: Proposed Procedures Have Been Published

This category includes agencies whose proposed procedures have appeared in the Federal Register. Those agencies whose final procedures are expected within 30 days are marked with a single asterisk (*); those expected within 60 days by a double asterisk (**).

ACTION, 44 F.R. 60110 (Oct. 18, 1979)

Agency for International Development, 44 F.R. 56378 (Oct. 1, 1979)*

Arms Control and Disarmament Agency, 45 F.R. 39320 (June 10, 1980)

Civil Aeronautics Board, 44 F.R. 45637 (Aug. 3, 1979)*

[reissuance of part: 45 F.R. 16132 (Mar. 12, 1980)]

Consumer Product Safety Commission, 44 F.R. 62526 (Oct. 31, 1979)

Department of Agriculture agencies

Agriculture Stabilization and Conservation Service, 44 F.R. 44167

(July 27, 1979) [correction: 44 F.R. 45631 (Aug. 3, 1979)]*

Science and Education Administration, 45 F.R. 11147 (Feb. 20, 1980)

Notice of proposed categorical exclusion of certain Department of
Agriculture agency programs, 45 F.R. 38092 (June 6, 1980)

Department of Defense agencies

Department of the Air Force, 44 F.R. 44118 (July 26, 1979)*

Department of the Army, Corps of Engineers, 44 F.R. 38292 (June 29,
1979)*

Department of the Army, 45 F.R. 1086 (Jan. 4, 1980)

Department of Commerce agencies

National Oceanic and Atmospheric Administration, 44 F.R. 60779
(Oct. 22, 1979)*

Economic Development Administration, 45 F.R. 41028 (June 17, 1980)

Federal Energy Regulatory Commission, 44 F.R. 50052 (Aug. 27, 1979)*

Food and Drug Administration, 44 F.R. 71742 (Dec. 11, 1979)

Department of Housing and Urban Development, 44 F.R. 67906 (Nov. 27, 1979)*

Community Development Block Grant Program 44 F.R. 45568 (Aug. 2, 1979)*

Department of the Interior agencies

Water and Power Resources Service, 44 F.R. 47627 (Aug. 14, 1979)**

Heritage Conservation and Recreation Service, 44 F.R. 49523
(Aug. 23, 1979)*

Fish and Wildlife Service, 44 F.R. 65822 (Nov. 15, 1979)*

Bureau of Mines, 45 F.R. 10043 (Feb. 14, 1980)

Office of Surface Mining Reclamation and Control, 45 F.R. 10043 (Feb. 14,
1980)

National Park Service, 45 F.R. 32126 (May 15, 1980)

Department of Labor, 44 F.R. 69675 (Dec. 4, 1979)

Department of Justice, 44 F.R. 43751 (July 26, 1979)**

Drug Enforcement Agency, 44 F.R. 43754 (July 26, 1979)**

Immigration and Naturalization Service, 44 F.R. 43754 (July 26, 1979)**

Bureau of Prisons, 44 F.R. 43753 (July 26, 1979)**

Office of Justice, Assistance, Research and Statistics (formerly LEAA),
at the Federal Register

Department of State, 44 F.R. 66838 (Nov. 21, 1979)*

Department of Transportation agencies

Federal Highway Administration, 44 F.R. 59438 (Oct. 15, 1979)*

Urban Mass Transportation Administration, 44 F.R. 59438 (Oct. 15, 1979)*

Federal Communications Commission, 44 F.R. 38913 (July 3, 1979)**

Federal Trade Commission, 44 F.R. 42712 (July 20, 1979)

International Boundary and Water Commission (U.S. Section). 44 F.R. 61665
(Oct. 26, 1979)*

Interstate Commerce Commission, 45 F.R. 15236 (Mar. 10, 1980)**

National Credit Union Administration, 45 F.R. 12211 (Feb. 25, 1980)

Nuclear Regulatory Commission, 45 F.R. 13739 (Mar. 3, 1980)

Pennsylvania Avenue Development Corporation, 44 F.R. 45925 (Aug. 6, 1979)

Tennessee Valley Authority, 44 F.R. 39679 (July 6, 1979)*

Veterans Administration, 44 F.R. 48281 (Aug. 17, 1979)*

Category #3: Anticipate Publication of Proposed Procedures by July 30, 1980

This category includes agencies that are expected to publish proposed procedures in the Federal Register by July 30, 1980.

Bureau of Indian Affairs

Department of the Navy

Farmers Home Administration

Federal Reserve System

Geological Survey

Category #4: Publication of Proposed Procedures Delayed Beyond July 30, 1980

This category includes agencies that are not expected to publish proposed procedures in the Federal Register by July 30, 1980.

Appalachian Regional Commission

Bureau of Land Management

Community Services Administration

Defense Logistics Agency

Farm Credit Administration

Federal Deposit Insurance Corporation

Federal Home Loan Bank Board

Federal Savings and Loan Insurance Corporation

METRO

National Highway Traffic Safety Administration

Saint Lawrence Seaway Corporation

Securities and Exchange Commission

The development of agency implementing procedures is a critical stage in Federal efforts to reform the NEPA process. These procedures must, of course, be consistent with the Council's regulations and provide the means for reducing paperwork and delay and producing better decisions in agency planning and decisionmaking.

Interested persons will have the opportunity to make their suggestions for improving agency procedures when they are published in the Federal Register in

proposed form. Broad public participation at this crucial juncture could go a long way toward ensuring that the goals of the NEPA regulations are widely implemented in the day-to-day activities of government.

NICHOLAS C. YOST

General Counsel

June 20, 1980

increase the previously established levels of restraints for Categories 359 and 612 to the designated amounts.

Paul T. O'Day,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington,
D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 21, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit, for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, entry into the United States for consumption of cotton and man-made fiber textile products in Categories 359 and 612, among others.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreements on January 9, and 21, 1978, as amended, between the Governments of the United States and the Polish People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on June 19, 1980 and for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 359 and 612, produced or manufactured in Poland in excess of the following levels of restraint:

*Category and Adjusted Twelve-Month Levels of Restraint*¹

359—600,000 pounds
612—2,000,000 square yards

The action taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton and man-made fiber textile products from Poland has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States.

Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-19129 Filed 6-24-80; 8:45 am]
BILLING CODE 3510-25-01

¹The levels of restraint have not been adjusted to reflect any imports after December 31, 1979.

COUNCIL ON ENVIRONMENTAL QUALITY

Fifth Progress Report on Agency Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions" (January 4, 1979)

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information Only: Publication of Fifth Progress Report on Agency Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions."

SUMMARY: On January 4, 1979, President Carter issued Executive Order 12114 entitled "Environmental Effects Abroad of Major Federal Actions." Executive Order 12114 requires all Federal agencies taking major Federal actions outside the U.S. which are encompassed by and not exempted from the Order, to have in effect procedures implementing the Order within 8 months after January 4, 1979 (i.e., by September 4, 1979). The Order requires agencies to consult with the Council on Environmental Quality and the Department of State before putting their implementing procedures in effect. The Council has previously published certain explanatory documents concerning implementation of E.O. 12114 (44 FR 18722, March 29, 1979). On September 26, 1979 the Council published its first progress report on agency procedures implementing the Executive Order (44 FR 55410), on November 6, 1979 a second progress report (44 FR 64101), on January 29, 1980 a third progress report (45 FR 6638), and on March 25, 1980 a fourth progress report (45 FR 19293). The purpose of this fifth progress report is to provide an update on where affected agencies stand in this process.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006; (202) 395-5750.

Fifth Progress Report on Agency Procedures Implementing E.O. 12114

The progress report lists Federal agencies in two categories. In Category 1 are agencies that have published proposed or final procedures implementing Executive Order 12114. Category 2 lists agencies that have prepared draft procedures or are in the process of developing such procedures, and contains an estimated time such procedures will be published in the Federal Register.

Category 1—Federal agencies that have published proposed or final procedures implementing E.O. 12114.

- Department of Defense:
Final Procedures issued April 12, 1979 (44 FR 21786).
- Export-Import Bank of the United States:
Final * Procedures issued August 20, 1979 (44 FR 50813).
- Overseas Private Investment Corporation:
Final * Procedures issued August 31, 1979 (44 FR 51385).
- National Oceanic and Atmospheric Administration:
Proposed Revised NOAA Directive Implementing NEPA and E.O. 12114, October 22, 1979 (44 FR 60799).
- Department of Commerce:
Proposed Procedure, issued February 12, 1980 (45 FR 9307).
- Department of Energy:
Proposed Guidelines issued September 6, 1977 (44 FR 52146).
- Department of State:
(1) Foreign Affairs Manual Circular No. 807A, Procedures Implementing E.O. 12114, (except nuclear actions) November 21, 1979 (44 FR 67004).
(2) "Unified Procedures Applicable to Major Federal Actions Relating to Nuclear Activities Subject to Executive Order 12114," * November 13, 1979 (44 FR 65580).
- Agency for International Development:
Proposed Environmental Regulations, October 1, 1979 (44 FR 56378).
- Department of Transportation:
Contained in NEPA procedures (DOT Order 5610.1C) issued October 1, 1979 (44 FR 56420), Paragraph 16.
- National Aeronautics and Space Administration:
Contained in NEPA procedures, Section 1216.321 issued July 30, 1979 (44 FR - 44490-44491).
- Department of Agriculture:
Proposed amendments (containing procedures implementing E.O. 12114) to departmental NEPA procedures, November 15, 1979 (44 FR 65768).
- Environmental Protection Agency:
Proposed procedures implementing E.O. 12114, November 29, 1979 (44 FR 66776).

Category 2—Federal agencies scheduled to publish procedures implementing E.O. 12114 in the near future.

- Department of Treasury:
Proposed procedures implementing E.O. 12114 are awaiting final approval. (Publication anticipated by July 15, 1980).
- Department of the Interior:
Draft procedures implementing E.O. 12114 are under preparation. These procedures are expected to be published in the near future.

*Although not published in proposed form for public review and comment, the preamble provides an opportunity for public comment on final procedures.

CEQ 22

Dated: June 20, 1980.

Nicholas C. Yost,
General Counsel.

[FR Doc. 80-19151 Filed 6-25-80; 8:45 am]
BILLING CODE 3125-01-M

Publication of Eighth Progress Report on Agency Implementing Procedures

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information Only: Publication of eighth progress report on agency implementing procedures under the National Environmental Policy Act.

SUMMARY: In response to President Carter's Executive Order 11991, on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). (43 FR 55978-56007; 40 CFR 1500-1508.) Section 1507.3 of the regulations provides that each agency of the Federal Government shall have adopted procedures to supplement the regulations by July 30, 1979. The Council has indicated to Federal agencies its intention to publish progress reports on agency efforts to develop implementing procedures under the NEPA regulations. The purpose of these progress reports, the eighth of which appears below, is to provide an update on where agencies stand in this process and to inform interested persons of when to expect the publication of proposed procedures for their review and comment.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006, 202-395-5750.

Eighth Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act

At the direction of President Carter (Executive Order 11991), on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). These regulations appear at Volume 43 of the Federal Register, pages 55978-56007 and in forthcoming revisions to Volume 40 of the Code of Federal Regulations, sections 1500-1508. Their purpose is to reduce paperwork and delay associated with the environmental review process and to foster environmental quality through better decisions under NEPA.

Section 1507.3 of the NEPA regulations provides that each agency of

the Federal Government shall adopt procedures to supplement the regulations. The purpose of agency "implementing procedures," as they are called, is to translate the broad standards of the Council's regulations into practical action in Federal planning and decision making. Agency procedures will provide government personnel with additional, more specific direction for implementing the procedural provisions of NEPA, and will inform the public and State and local officials of how the NEPA regulations will be applied to individual Federal programs and activities.

In the course of developing implementing procedures, agencies are required to consult with the Council and to publish proposed procedures in the Federal Register for public review and comment. Proposed procedures must be revised as necessary to respond to the ideas and suggestions made during the comment period. Thereafter, agencies are required to submit the proposed final version of their procedures for 30 day review by the Council for conformity with the Act and the NEPA regulations. After making such changes as are indicated by the Council's review, agencies are required to promulgate their final procedures. Although CEQ's regulations required agencies to publish their procedures by July 30, 1979 a number of Federal agencies did not meet this deadline. We stress, however, that the CEQ regulations are in effect now and are binding on all agencies of the Federal Government now, whether or not the agencies are on time or laggard with their own procedures.

The Council published its first progress report on agency implementation procedures on May 7, 1979, its second report on July 23, 1979, its third report on September 26, 1979, its fourth report on November 2, 1979, its fifth report on December 14, 1979, its sixth report on January 29, 1980 and its seventh progress report on March 25, 1980. (44 FR 26781-26782; 44 FR 43037-43038; 44 FR 55408-55410; 44 FR 63132-63133; 44 FR 72622-72623; 45 FR 6638-6640; 45 FR 19294.) The eighth progress report appears below. The Council hopes that concerned members of the public will review and comment upon agency procedures to insure that the reforms required by President Carter and by the Council's regulations are implemented. Agencies preparing implementing procedures are listed under one of the following four categories:

Category #1: Final Procedures Have Been Published.

This category includes agencies whose final procedures have appeared in the Federal Register.

- Advisory Council on Historic Preservation, 45 FR 4353 (Jan. 22, 1980).
- Central Intelligence Agency, 44 FR 45431 (Aug. 2, 1979).
- Department of Agriculture, 44 FR 44802 (July 30, 1979).
- Animal and Plant Health Inspection Service, 44 FR 50381 (Aug. 28, 1979) [correction: 44 FR 51272 (Aug. 31, 1979)].
- Forest Service, 44 FR 44718 (July 30, 1979).
- Soil Conservation Service, 44 FR 50670 (Aug. 29, 1979).
- Rural Electrification Administration, 45 FR 6592 (Jan. 29 1980).
- Department of Commerce, at the Federal Register Office.
- Department of Defense, 44 FR 46841 (Aug. 9, 1979).
- Department of Energy, 45 FR 20694 (Mar. 28, 1980).
- Department of Health and Human Service (formerly HEW), notice of adoption of final procedures, 45 FR 30138 (May 7, 1980).
- Department of the Interior (revised), 45 FR 27541 (April 23, 1980).
- Department of Transportation, 44 FR 56420 (Oct. 1, 1979).
- Coast Guard, 45 FR 32816 (May 19, 1980).
- Federal Aviation Administration, 45 FR 2244 (Jan. 10, 1980).
- Federal Railroad Administration, 45 FR 40854 (June 16, 1980).
- Department of the Treasury, 45 FR 1828 (Jan. 8, 1980).
- Environmental Protection Agency, 44 FR 64174 (Nov. 6, 1979).
- Export-Import Bank, 44 FR 50610 (Aug. 30, 1979).
- Federal Emergency Management Agency, at the Federal Register Office.
- Federal Maritime Commission, 45 FR 33996 (May 21, 1980).
- General Services Administration, 45 FR 83 (Jan. 2, 1980).
- Public Buildings Service (see 44 FR 65675, Nov. 14, 1979).
- International Communications Agency, 44 FR 45489 (Aug. 2, 1979).
- Marine Mammal Commission, 44 FR 52837 (Sept. 11, 1979).
- National Aeronautics and Space Administration, 44 FR 44485 (July 30, 1979) [corrections: 44 FR 49650 (Aug. 24, 1979); 44 FR 69920 (Dec. 5, 1979)].
- National Capitol Planning Commission, 44 FR 64923 (Nov. 8, 1979).
- National Science Foundation, 45 FR 39 (Jan. 2, 1980).
- Overseas Private Investment Corporation, 44 FR 51385 (Aug. 31, 1979). [NEPA Procedures are contained in this agency's procedures implementing Executive Order 12114 cited above.]
- Postal Service, 44 FR 63524 (Nov. 5, 1979).
- Small Business Administration, 45 FR 7358 (Feb. 1, 1980).
- Water Resources Council, 44 FR 69921 (Dec. 5, 1979).

Category #2: Proposed Procedures Have Been Published.

This category includes agencies whose proposed procedures have appeared in the

Federal Register. Those agencies whose final procedures are expected within 30 days are marked with a single asterisk (*); those expected within 60 days by a double asterisk (**).

- ACTION, 44 FR 60110 (Oct. 18, 1979).**
 Agency for International Development, 44 FR 56378 (Oct. 1, 1979).*
- Arms Control and Disarmament Agency, 45 FR 39320 (June 10, 1980).**
- Civil Aeronautics Board, 44 FR 45637 (Aug. 3, 1979).*** [reissuance of part: 45 FR 16132 (Mar. 12, 1980).]
- Consumer Product Safety Commission, 44 FR 62526 (Oct. 31, 1979).**
- Department of Agriculture agencies**
 Agriculture Stabilization and Conservation Service, 44 FR 44167 (July 27, 1979) [correction: 44 FR 45631 (Aug. 3, 1979)].*
 Science and Education Administration, 45 FR 11147 (Feb. 20, 1980).
 Notice of proposed categorical exclusion of certain Department of Agriculture agency programs, 45 FR 39092 (June 6, 1980).
- Department of Defense agencies**
 Department of the Air Force, 44 FR 44116 (July 28, 1979).*
 Department of the Army, Corps of Engineers, 44 FR 38292 (June 29, 1979).*
 Department of the Army, 45 FR 1086 (Jan. 4, 1980).
- Department of Commerce agencies:**
 National Oceanic and Atmospheric Administration, 44 FR 60779 (Oct. 22, 1979).*
 Economic Development Administration, 45 FR 41028 (June 17, 1980).
 Federal Energy Regulatory Commission, 44 FR 50052 (Aug. 27, 1979).*
 Food and Drug Administration, 44 FR 71742 (Dec. 11, 1979).
- Department of Housing and Urban Development, 44 FR 67906 (Nov. 27, 1979).***
- Community Development Block Grant Program, 44 FR 45566 (Aug. 2, 1979).***
- Department of the Interior agencies:**
 Water and Power Resources Service, 44 FR 47627 (Aug. 14, 1979).**
 Heritage Conservation and Recreation Service, 44 FR 49523 (Aug. 23, 1979).*
 Fish and Wildlife Service, 44 FR 65622 (Nov. 15, 1979).*
 Bureau of Mines, 45 FR 10043 (Feb. 14, 1980).
 Office of Surface Mining Reclamation and Control, 45 FR 10043 (Feb. 14, 1980).
 National Park Service, 45 FR 32126 (May 15, 1980).
- Department of Labor, 44 FR 69676 (Dec. 4, 1979).**
- Department of Justice, 44 FR 43751 (July 26, 1979).****
 Drug Enforcement Agency, 44 FR 43754 (July 26, 1979).**
 Immigration and Naturalization Service, 44 FR 43754 (July 26, 1979).**
 Bureau of Prisons, 44 FR 43753 (July 26, 1979).**
 Office of Justice, Assistance, Research and Statistics (formerly LEAA), *at the Federal Register.*
- Department of State, 44 FR 66636 (Nov. 21, 1979).***
- Department of Transportation agencies:**
 Federal Highway Administration, 44 FR 59436 (Oct. 15, 1979).*

- Urban Mass Transportation Administration, 44 FR 59438 (Oct. 15, 1979).***
- Federal Communications Commission, 44 FR 36913 (July 3, 1979).****
- Federal Trade Commission, 44 FR 42712 (July 20, 1979)**
- International Boundary and Water Commission (U.S. Section), 44 FR 61665 (Oct. 26, 1979).***
- Interstate Commerce Commission, 45 FR 15236 (Mar. 10, 1980).****
- National Credit Union Administration, 45 FR 12211 (Feb. 25, 1980).**
- Nuclear Regulatory Commission, 45 FR 13739 (Mar. 3, 1980).**
- Pennsylvania Avenue Development Corporation, 44 FR 45925 (Aug. 6, 1979).**
- Tennessee Valley Authority, 44 FR 39679 (July 6, 1979).***
- Veterans Administration, 44 FR 48281 (Aug. 17, 1979).***

Category #3: Anticipate Publication of Proposed Procedures by July 30, 1980.

This category includes agencies that are expected to publish proposed procedures in the Federal Register by July 30, 1980.

- Bureau of Indian Affairs
 Department of the Navy
 Farmers Home Administration
 Federal Reserve System
 Geological Survey

Category #4: Publication of Proposed Procedures Delayed Beyond July 30, 1980.

This category includes agencies that are not expected to publish proposed procedures in the Federal Register by July 30, 1980.

- Appalachian Regional Commission
 Bureau of Land Management
 Community Services Administration
 Defense Logistics Agency
 Farm Credit Administration
 Federal Deposit Insurance Corporation
 Federal Home Loan Bank Board
 Federal Savings and Loan Insurance Corporation
 METRO
 National Highway Traffic Safety Administration
 Saint Lawrence Seaway Corporation
 Securities and Exchange Commission

The development of agency implementing procedures is a critical stage in Federal efforts to reform the NEPA process. These procedures must, of course, be consistent with the Council's regulations and provide the means for reducing paperwork and delay and producing better decisions in agency planning and decisionmaking.

Interested persons will have the opportunity to make their suggestions for improving agency procedures when they are published in the Federal Register in proposed form. Broad public participation at this crucial juncture could go a long way toward ensuring that the goals of the NEPA regulations

are widely implemented in the day-to-day activities of government.

Nicholas C. Yost,

General Counsel.

June 20, 1980.

[FR Doc. 80-19152 Filed 6-25-80; 8:45 am]

BILLING CODE 3250-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Prepare a Draft Environmental Impact Statement on Proposed Federal Navigation Improvement of Fort Pierce Harbor, Fla.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. The project consists of deepening the existing Fort Pierce, Florida, Federal Navigation Project depth of 25 feet and increasing the width of the navigation channel and turning basin. Disposal of dredged material would be distributed among upland, beach, and open ocean sites.

2. The following alternatives will be considered.

- a. Project depths of 32, 36, and 40 feet.
- b. Three turning basin configurations.
- c. Four upland disposal sites.
- d. No action.

3. a. Public involvement to date has included a Public Meeting on 4 April 1978 and an environmental workshop meeting on 13 March 1980 in Fort Pierce attended by Federal, State, and local agencies and conservation organizations. A formulation stage public meeting is planned for late July 1980 in Fort Pierce. Comments on alternatives and environmental concerns have been solicited by letters to Federal, State, and local agencies and private organizations. Further participation is invited from any interested parties.

b. Significant issues to be analyzed in depth in the DEIS are preliminarily as follows:

1. Impact on channel and harbor enlargement on local marine resources.
 2. Secondary effects of port deepening: potential petroleum products traffic, new industrial development and waste generation.
 3. Impacts on manatees from increased ship traffic.
 4. Effects of upland disposal of dredged material on ground water quality.
- c. Consultation with appropriate Federal and State agencies is required

increase the previously established levels of restraints for Categories 359 and 612 to the designated amounts.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C. 20228.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 21, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit, for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, entry into the United States for consumption of cotton and man-made fiber textile products in Categories 359 and 612, among others.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreements on January 9, and 21, 1978, as amended, between the Governments of the United States and the Polish People's Republic; and in accordance with the provisions of Executive Order 11851 of March 8, 1972, as amended by Executive Order 11851 of January 6, 1977, you are directed to prohibit, effective on June 19, 1980 and for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 359 and 612, produced or manufactured in Poland in excess of the following levels of restraint:

*Category and Adjusted Twelve-Month Levels of Restraint*¹

359—600,000 pounds

612—2,000,000 square yards

The action taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton and man-made fiber textile products from Poland has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States.

Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

FR Doc. 80-19129 Filed 6-24-80; 9:45 am]

BILLING CODE 2510-25-01

¹The levels of restraint have not been adjusted to reflect any imports after December 31, 1979.

COUNCIL ON ENVIRONMENTAL QUALITY

Fifth Progress Report on Agency Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions" (January 4, 1979)

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information Only: Publication of Fifth Progress Report on Agency Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions."

SUMMARY: On January 4, 1979, President Carter issued Executive Order 12114 entitled "Environmental Effects Abroad of Major Federal Actions." Executive Order 12114 requires all Federal agencies taking major Federal actions outside the U.S. which are encompassed by and not exempted from the Order, to have in effect procedures implementing the Order within 8 months after January 4, 1979 (i.e., by September 4, 1979). The Order requires agencies to consult with the Council on Environmental Quality and the Department of State before putting their implementing procedures in effect. The Council has previously published certain explanatory documents concerning implementation of E.O. 12114 (44 FR 18722, March 29, 1979). On September 26, 1979 the Council published its first progress report on agency procedures implementing the Executive Order (44 FR 55410), on November 6, 1979 a second progress report (44 FR 64101), on January 29, 1980 a third progress report (45 FR 6638), and on March 25, 1980 a fourth progress report (45 FR 19293). The purpose of this fifth progress report is to provide an update on where affected agencies stand in this process.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006; (202) 395-5750.

Fifth Progress Report on Agency Procedures Implementing E.O. 12114

The progress report lists Federal agencies in two categories. In Category 1 are agencies that have published proposed or final procedures implementing Executive Order 12114. Category 2 lists agencies that have prepared draft procedures or are in the process of developing such procedures, and contains an estimated time such procedures will be published in the Federal Register.

Category 1—Federal agencies that have published proposed or final procedures implementing E.O. 12114.

Department of Defense:

Final Procedures issued April 12, 1979 (44 FR 21786).

Export-Import Bank of the United States:

Final * Procedures issued August 20, 1979 (44 FR 50813).

Overseas Private Investment Corporation:

Final * Procedures issued August 31, 1979 (44 FR 51385).

National Oceanic and Atmospheric Administration:

Proposed Revised NOAA Directive Implementing NEPA and E.O. 12114, October 22, 1979 (44 FR 60799).

Department of Commerce:

Proposed Procedure, issued February 12, 1980 (45 FR 9307).

Department of Energy:

Proposed Guidelines issued September 6, 1977 (44 FR 52146).

Department of State:

(1) Foreign Affairs Manual Circular No. 807A, Procedures Implementing E.O. 12114, * (except nuclear actions) November 21, 1978 (44 FR 67004).

(2) "Unified Procedures Applicable to Major Federal Actions Relating to Nuclear Activities Subject to Executive Order 12114," * November 13, 1979 (44 FR 65560).

Agency for International Development:

Proposed Environmental Regulations, October 1, 1979 (44 FR 56376).

Department of Transportation:

Contained in NEPA procedures (DOT Order 5610.1C) issued October 1, 1979 (44 FR 56420), Paragraph 16.

National Aeronautics and Space Administration:

Contained in NEPA procedures, Section 1216.321 issued July 30, 1979 (44 FR - 44490-44491).

Department of Agriculture:

Proposed amendments (containing procedures implementing E.O. 12114) to departmental NEPA procedures, November 15, 1979 (44 FR 65768).

Environmental Protection Agency:

Proposed procedures implementing E.O. 12114, November 29, 1979 (44 FR 66776).

Category 2—Federal agencies scheduled to publish procedures implementing E.O. 12114 in the near future.

Department of Treasury:

Proposed procedures implementing E.O. 12114 are awaiting final approval.

(Publication anticipated by July 15, 1980).

Department of the Interior:

Draft procedures implementing E.O. 12114 are under preparation. These procedures are expected to be published in the near future.

*Although not published in proposed form for public review and comment, the preamble provides an opportunity for public comment on final procedures.

CEQ 23

Dated: June 20, 1980.

Nicholas C. Yost,
General Counsel.

[FR Doc. 80-19131 Filed 6-25-80; 6:45 am]

BILLING CODE 3125-01-M

Publication of Eighth Progress Report on Agency Implementing Procedures

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information Only: Publication of eighth progress report on agency implementing procedures under the National Environmental Policy Act.

SUMMARY: In response to President Carter's Executive Order 11991, on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). (43 FR 55978-56007; 40 CFR 1500-1508.) Section 1507.3 of the regulations provides that each agency of the Federal Government shall have adopted procedures to supplement the regulations by July 30, 1979. The Council has indicated to Federal agencies its intention to publish progress reports on agency efforts to develop implementing procedures under the NEPA regulations. The purpose of these progress reports, the eighth of which appears below, is to provide an update on where agencies stand in this process and to inform interested persons of when to expect the publication of proposed procedures for their review and comment.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006, 202-395-5750.

Eighth Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act

At the direction of President Carter (Executive Order 11991), on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). These regulations appear at Volume 43 of the Federal Register, pages 55978-56007 and in forthcoming revisions to Volume 40 of the Code of Federal Regulations, sections 1500-1508. Their purpose is to reduce paperwork and delay associated with the environmental review process and to foster environmental quality through better decisions under NEPA.

Section 1507.3 of the NEPA regulations provides that each agency of

the Federal Government shall adopt procedures to supplement the regulations. The purpose of agency "implementing procedures," as they are called, is to translate the broad standards of the Council's regulations into practical action in Federal planning and decisionmaking. Agency procedures will provide government personnel with additional, more specific direction for implementing the procedural provisions of NEPA, and will inform the public and State and local officials of how the NEPA regulations will be applied to individual Federal programs and activities.

In the course of developing implementing procedures, agencies are required to consult with the Council and to publish proposed procedures in the Federal Register for public review and comment. Proposed procedures must be revised as necessary to respond to the ideas and suggestions made during the comment period. Thereafter, agencies are required to submit the proposed final version of their procedures for 30 day review by the Council for conformity with the Act and the NEPA regulations. After making such changes as are indicated by the Council's review, agencies are required to promulgate their final procedures. Although CEQ's regulations required agencies to publish their procedures by July 30, 1979 a number of Federal agencies did not meet this deadline. We stress, however, that the CEQ regulations are in effect now and are binding on all agencies of the Federal Government now, whether or not the agencies are on time or laggard with their own procedures.

The Council published its first progress report on agency implementation procedures on May 7, 1979, its second report on July 23, 1979, its third report on September 26, 1979, its fourth report on November 2, 1979, its fifth report on December 14, 1979, its sixth report on January 29, 1980 and its seventh progress report on March 25, 1980. (44 FR 26781-26782; 44 FR 43037-43038; 44 FR 55406-55410; 44 FR 83132-83133; 44 FR 72622-72623; 45 FR 6638-6640; 45 FR 19294.) The eighth progress report appears below. The Council hopes that concerned members of the public will review and comment upon agency procedures to insure that the reforms required by President Carter and by the Council's regulations are implemented. Agencies preparing implementing procedures are listed under one of the following four categories:

Category #1: Final Procedures Have Been Published.

This category includes agencies whose final procedures have appeared in the Federal Register.

- Advisory Council on Historic Preservation, 43 FR 4353 (Jan. 22, 1980).
- Central Intelligence Agency, 44 FR 45491 (Aug. 2, 1979).
- Department of Agriculture, 44 FR 44802 (July 30, 1979).
- Animal and Plant Health Inspection Service, 44 FR 50381 (Aug. 28, 1979) [correction: 44 FR 51272 (Aug. 31, 1979)].
- Forest Service, 44 FR 44718 (July 30, 1979).
- Soil Conservation Service, 44 FR 50676 (Aug. 29, 1979).
- Rural Electrification Administration, 45 FR 6592 (Jan. 29 1980).
- Department of Commerce, at the Federal Register Office.
- Department of Defense, 44 FR 46841 (Aug. 9, 1979).
- Department of Energy, 45 FR 20684 (Mar. 28, 1980).
- Department of Health and Human Services (formerly HEW), notice of adoption of final procedures, 45 FR 30138 (May 7, 1980).
- Department of the Interior (revised), 45 FR 27541 (April 23, 1980).
- Department of Transportation, 44 FR 56420 (Oct. 1, 1979).
- Coast Guard, 45 FR 32816 (May 19, 1980).
- Federal Aviation Administration, 45 FR 2244 (Jan. 10, 1980).
- Federal Railroad Administration, 45 FR 40854 (June 16, 1980).
- Department of the Treasury, 45 FR 1828 (Jan. 8, 1980).
- Environmental Protection Agency, 44 FR 64174 (Nov. 6, 1979).
- Export-Import Bank, 44 FR 50810 (Aug. 30, 1979).
- Federal Emergency Management Agency, at the Federal Register Office.
- Federal Maritime Commission, 45 FR 33996 (May 21, 1980).
- General Services Administration, 45 FR 83 (Jan. 2, 1980).
- Public Buildings Service (see 44 FR 65675, Nov. 14, 1979).
- International Communications Agency, 44 FR 45489 (Aug. 2, 1979).
- Marine Mammal Commission, 44 FR 52837 (Sept. 11, 1979).
- National Aeronautics and Space Administration, 44 FR 44485 (July 30, 1979). [corrections: 44 FR 49650 (Aug. 24, 1979); 44 FR 69920 (Dec. 5, 1979)].
- National Capitol Planning Commission, 44 FR 64923 (Nov. 8, 1979).
- National Science Foundation, 45 FR 39 (Jan. 2, 1980).
- Overseas Private Investment Corporation, 44 FR 51385 (Aug. 31, 1979). [NEPA Procedures are contained in this agency's procedures implementing Executive Order 12114 cited above.]
- Postal Service, 44 FR 63524 (Nov. 5, 1979).
- Small Business Administration, 45 FR 7358 (Feb. 1, 1980).
- Water Resources Council, 44 FR 69921 (Dec. 5, 1979).

Category #2: Proposed Procedures Have Been Published.

This category includes agencies whose proposed procedures have appeared in the

Federal Register. Those agencies whose final procedures are expected within 30 days are marked with a single asterisk (*); those expected within 60 days by a double asterisk (**).

- ACTION, 44 FR 60110 (Oct. 18, 1979).**
 Agency for International Development, 44 FR 56378 (Oct. 1, 1979).*
- Arms Control and Disarmament Agency, 45 FR 39320 (June 10, 1980).**
- Civil Aeronautics Board, 44 FR 45837 (Aug. 3, 1979).*** [reissuance of part: 45 FR 18132 (Mar. 12, 1980)].
- Consumer Product Safety Commission, 44 FR 62526 (Oct. 31, 1979).**
- Department of Agriculture agencies**
 Agriculture Stabilization and Conservation Service, 44 FR 44187 (July 27, 1979) [correction: 44 FR 45631 (Aug. 3, 1979)].*
 Science and Education Administration, 45 FR 11147 (Feb. 20, 1980).
 Notice of proposed categorical exclusion of certain Department of Agriculture agency programs, 45 FR 38092 (June 6, 1980).
- Department of Defense agencies**
 Department of the Air Force, 44 FR 44118 (July 28, 1979).*
 Department of the Army, Corps of Engineers, 44 FR 38292 (June 29, 1979).*
 Department of the Army, 45 FR 1086 (Jan. 4, 1980).
- Department of Commerce agencies:**
 National Oceanic and Atmospheric Administration, 44 FR 60779 (Oct. 22, 1979).*
 Economic Development Administration, 45 FR 41028 (June 17, 1980).
- Federal Energy Regulatory Commission, 44 FR 50052 (Aug. 27, 1979).***
- Food and Drug Administration, 44 FR 71742 (Dec. 11, 1979).**
- Department of Housing and Urban Development, 44 FR 67906 (Nov. 27, 1979).***
 Community Development Block Grant Program, 44 FR 45568 (Aug. 2, 1979).*
- Department of the Interior agencies:**
 Water and Power Resources Service, 44 FR 47627 (Aug. 14, 1979).**
 Heritage Conservation and Recreation Service, 44 FR 49523 (Aug. 23, 1979).*
 Fish and Wildlife Service, 44 FR 65822 (Nov. 15, 1979).*
 Bureau of Mines, 45 FR 10043 (Feb. 14, 1980).
 Office of Surface Mining Reclamation and Control, 45 FR 10043 (Feb. 14, 1980).
 National Park Service, 45 FR 32128 (May 15, 1980).
- Department of Labor, 44 FR 66675 (Dec. 4, 1979).**
- Department of Justice, 44 FR 43751 (July 26, 1979).****
 Drug Enforcement Agency, 44 FR 43754 (July 26, 1979).**
 Immigration and Naturalization Service, 44 FR 43754 (July 26, 1979).**
 Bureau of Prisons, 44 FR 43753 (July 26, 1979).**
 Office of Justice, Assistance, Research and Statistics (formerly LEAA), at the *Federal Register*.
- Department of State, 44 FR 66635 (Nov. 21, 1979).***
- Department of Transportation agencies:**
 Federal Highway Administration, 44 FR 59436 (Oct. 15, 1979).*

- Urban Mass Transportation Administration, 44 FR 59438 (Oct. 15, 1979).***
- Federal Communications Commission, 44 FR 38913 (July 3, 1979).****
- Federal Trade Commission, 44 FR 42712 (July 20, 1979)**
- International Boundary and Water Commission (U.S. Section), 44 FR 61665 (Oct. 26, 1979).***
- Interstate Commerce Commission, 45 FR 15236 (Mar. 10, 1980).****
- National Credit Union Administration, 45 FR 12211 (Feb. 25, 1980).**
- Nuclear Regulatory Commission, 45 FR 13739 (Mar. 3, 1980).**
- Pennsylvania Avenue Development Corporation, 44 FR 45925 (Aug. 6, 1979).**
- Tennessee Valley Authority, 44 FR 39679 (July 6, 1979).***
- Veterans Administration, 44 FR 46281 (Aug. 17, 1979).***

Category #3: Anticipate Publication of Proposed Procedures by July 30, 1980.

This category includes agencies that are expected to publish proposed procedures in the *Federal Register* by July 30, 1980.

- Bureau of Indian Affairs
 Department of the Navy
 Farmers Home Administration
 Federal Reserve System
 Geological Survey

Category #4: Publication of Proposed Procedures Delayed Beyond July 30, 1980.

This category includes agencies that are not expected to publish proposed procedures in the *Federal Register* by July 30, 1980.

- Appalachian Regional Commission
 Bureau of Land Management
 Community Services Administration
 Defense Logistics Agency
 Farm Credit Administration
 Federal Deposit Insurance Corporation
 Federal Home Loan Bank Board
 Federal Savings and Loan Insurance Corporation
- METRO**
 National Highway Traffic Safety Administration
 Saint Lawrence Seaway Corporation
 Securities and Exchange Commission

The development of agency implementing procedures is a critical stage in Federal efforts to reform the NEPA process. These procedures must, of course, be consistent with the Council's regulations and provide the means for reducing paperwork and delay and producing better decisions in agency planning and decisionmaking.

Interested persons will have the opportunity to make their suggestions for improving agency procedures when they are published in the *Federal Register* in proposed form. Broad public participation at this crucial juncture could go a long way toward ensuring that the goals of the NEPA regulations

are widely implemented in the day-to-day activities of government.

Nicholas C. Yost,
 General Counsel.

June 20, 1980.

[FR Doc. 80-19132 Filed 6-25-80; 8:45 am]

BILLING CODE 3125-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Prepare a Draft Environmental Impact Statement on Proposed Federal Navigation Improvement of Fort Pierce Harbor, Fla.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. The project consists of deepening the existing Fort Pierce, Florida, Federal Navigation Project depth of 25 feet and increasing the width of the navigation channel and turning basin. Disposal of dredged material would be distributed among upland, beach, and open ocean sites.

2. The following alternatives will be considered.

- a. Project depths of 32, 36, and 40 feet.
- b. Three turning basin configurations.
- c. Four upland disposal sites.
- d. No action.

3. a. Public involvement to date has included a Public Meeting on 4 April 1978 and an environmental workshop meeting on 13 March 1980 in Fort Pierce attended by Federal, State, and local agencies and conservation organizations. A formulation stage public meeting is planned for late July 1980 in Fort Pierce. Comments on alternatives and environmental concerns have been solicited by letters to Federal, State, and local agencies and private organizations. Further participation is invited from any interested parties.

b. Significant issues to be analyzed in depth in the DEIS are preliminarily as follows:

1. Impact on channel and harbor enlargement on local marine resources.
2. Secondary effects of port deepening: potential petroleum products traffic, new industrial development and waste generation.
3. Impacts on manatees from increased ship traffic.
4. Effects of upland disposal of dredged material on ground water quality.

c. Consultation with appropriate Federal and State agencies is required

*General Counsel
File*

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

CEQ 24

November 18, 1980

Federal Register
Room 8401
1101 L Street, N.W.
Washington, D.C. 20408

ATTN: Ilona Mays

Dear Ms. Mays:

I am enclosing the Ninth Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act and the Sixth Progress Report on Agency Procedures Implementing E.O. 12114 for publication in the Federal Register at the earliest possible time.

Your cooperation in publication of the progress reports is greatly appreciated. If there are any questions, please contact me at 395-5750.

Sincerely,

C. Foster Knight
C. Foster Knight
Acting General Counsel

Enclosures

AGENCY: Council on Environmental Quality, Executive Office of the
President

ACTION: Information Only: Publication of Ninth Progress Report on
Agency Implementing Procedures Under the National Environmental
Policy Act

SUMMARY: In response to President Carter's Executive Order 11991, on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). 43 F.R. 55978-56007; 40 C.F.R. 1500-08). Section 1507.3 of the regulations provides that each agency of the Federal Government shall have adopted procedures to supplement the regulations by July 30, 1979. The Council has indicated to Federal agencies its intention to publish progress reports on agency efforts to develop implementing procedures under the NEPA regulations. The purpose of these progress reports, the ninth of which appears below, is to provide an update on where agencies stand in this process and to inform interested persons of when to expect the publication of proposed procedures for their review and comment.

FOR FURTHER INFORMATION CONTACT:

C. Foster Knight, Acting General Counsel, Council on Environmental Quality, 722
Jackson Place, N.W., Washington, D.C. 20006; 202-395-5750.

NINTH PROGRESS REPORT ON AGENCY IMPLEMENTING
PROCEDURES UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT

At the direction of President Carter (Executive Order 11991), on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). These regulations appear at Volume 43 of the Federal Register, pages 55978-56007 and in Volume 40 of the Code of Federal Regulations, Sections 1500-1508. Their purpose is to reduce paperwork and delay associated with the environmental review process and to foster environmental quality through better decisions under NEPA.

Section 1507.3 of the NEPA regulations provides that each agency of the Federal government shall adopt procedures to supplement the regulations. The purpose of agency "implementing procedures," as they are called, is to translate the broad standards of the Council's regulations into practical action in Federal planning and decisionmaking. Agency procedures will provide government personnel with additional, more specific direction for implementing the procedural provisions of NEPA, and will inform the public and State and local officials of how the NEPA regulations will be applied to individual Federal programs and activities.

In the course of developing implementing procedures, agencies are required to consult with the Council and to publish proposed procedures in the Federal Register for public review and comment. Proposed procedures must be revised as necessary to respond to the ideas and suggestions made during the comment

period. Thereafter, agencies are required to submit the proposed final version of their procedures for 30 day review by the Council for conformity with the Act and the NEPA regulations. After making such changes as are indicated by the Council's review, agencies are required to promulgate their final procedures. Although CEQ's regulations required agencies to publish their procedures by July 30, 1979 a number of Federal agencies did not meet this deadline. We stress, however, that the CEQ regulations are in effect now and are binding on all agencies of the Federal government now, whether or not the agencies are on time or late with their own procedures.

The Council published its first progress report on agency implementation procedures on May 7, 1979, its second report on July 23, 1979, its third report on September 26, 1979, its fourth report on November 2, 1979, its fifth report on December 14, 1979, its sixth report on January 29, 1980, its seventh report on March 25, 1980, and its eighth report on June 25, 1980 (44 F.R. 26781-82; 44 F.R. 43037-38; 44 F.R. 55408-55410; 44 F.R. 63132-63133; 44 F.R. 72622-72623; 45 F.R. 6638-6640; 45 F.R. 19294; 45 F.R. 42786). The ninth progress report appears below. The Council hopes that concerned members of the public will review and comment upon agency procedures to insure that the reforms required by President Carter and by the Council's regulations are implemented. Agencies preparing implementing procedures are listed under one of the following four categories:

Category # 1: Final Procedures Have Been Published

This category includes agencies whose final procedures have appeared in the Federal Register.

Advisory Council on Historic Preservation, 45 F.R. 4353 (Jan. 22, 1980).

Agency for International Development, 45 F.R. 70239 (Oct. 23, 1980).

Central Intelligence Agency, 44 F.R. 45431 (Aug. 2, 1979).

Consumer Product Safety Commission, 45 F.R. 69433 (Oct. 21, 1980).

Department of Agriculture, 44 F.R. 44802 (July 30, 1979).

Animal and Plant Health Inspection Service, 44 F.R. 50381

(Aug. 28, 1979) [correction: 44 F.R. 51272 (Aug. 31, 1979)].

Forest Service, 44 F.R. 44718 (July 30, 1979).

Soil Conservation Service, 44 F.R. 50576 (Aug. 29, 1979).

Rural Electrification Administration, 45 F.R. 6592 (Jan. 29, 1980).

Department of Commerce, 45 F.R. 47898 (July 17, 1980).

Economic Development Administration, 45 F.R. 63310 (Sept. 24, 1980).

National Oceanic and Atmospheric Administration, 45 F.R. 49312

(July 24, 1980).

Department of Defense, 44 F.R. 46841 (Aug. 9, 1979).

Army Corps of Engineers, 45 F.R. 56790 (Aug. 25, 1980).

Department of the Army, 45 F.R. 69215 (Oct. 20, 1980).

Department of Energy, 45 F.R. 20694 (Mar. 28, 1980); Proposed amendments for
categorical exclusions for Fuel Use Act, 45 F.R. 53199 (Aug. 11, 1980).

Department of the Interior (revised), 45 F.R. 27541 (April 23, 1980).

Fish and Wildlife Service, 45 F.R. 47941 (July 17, 1980).

Water and Power Resources Services, 45 F.R. 47944 (July 17, 1980).

Department of State, 45 F.R. 59553 (Sept. 10, 1980).

Department of Transportation, 44 F.R. 56420 (Oct. 1, 1979).

Coast Guard, 45 F.R. 32816 (May 19, 1980).

Federal Aviation Administration, 45 F.R. 2244 (Jan. 10, 1980).

Federal Highway Administration, issued jointly with UMTA, 45 F.R. 71968
(Oct. 30, 1980).

Federal Railroad Administration, 45 F.R. 40854 (June 16, 1980).

Urban Mass Transportation Administration, issued jointly with FHWA, 45
F.R. 71968 (Oct. 30, 1980).

Department of the Treasury, 45 F.R. 1828 (Jan. 8, 1980).

Environmental Protection Agency, 44 F.R. 64174 (Nov. 6, 1979).

Export-Import Bank, 44 F.R. 50810 (Aug. 30, 1979).

Federal Emergency Management Agency, 45 F.R. 41141 (June 18, 1980); proposed
amendments for categorical exclusions, 45 F.R. 67886 (Oct. 14, 1980).

Federal Maritime Commission, 45 F.R. 33996 (May 21, 1980).

Federal Railroad Administration, 45 F.R. 40854 (June 16, 1980).

General Services Administration, 45 F.R. 83 (Jan. 2, 1980).

Public Buildings Service (see 44 F.R. 65675, Nov. 14, 1979).

International Communications Agency, 44 F.R. 45489 (Aug. 2, 1979).

Marine Mammal Commission, 44 F.R. 52837 (Sept. 11, 1979).

National Aeronautics and Space Administration, 44 F.R. 44485 (July 30, 1979)

[corrections: 44 F.R. 49650 (Aug. 24, 1979); 44 F.R. 69920 (Dec. 5, 1979)].

National Capitol Planning Commission, 44 F.R. 64923 (Nov. 8, 1979).

National Science Foundation, 45 F.R. 39 (Jan. 2, 1980).

Overseas Private Investment Corporation, 44 F.R. 51385 (Aug. 31, 1979).

[NEPA Procedures are contained in this agency's procedures implementing
Executive Order 12114 cited above.]

Postal Service, 44 F.R. 63524 (Nov. 5, 1979).

Small Business Administration, 45 F.R. 7358 (Feb. 1, 1980).

Tennessee Valley Authority, 45 F.R. 54511 (Aug. 15, 1980).

Veteran's Administration, 45 F.R. 62800 (Sept. 22, 1980).

Water Resources Council, 44 F.R. 69921 (Dec. 5, 1979).

Category #2: Proposed Procedures Have Been Published

This category includes agencies whose proposed procedures have appeared in the Federal Register. Those agencies whose final procedures are expected within 30 days are marked with a single asterisk (*); those expected within 60 days by a double asterisk (**).

ACTION, 44 F.R. 60110 (Oct. 18, 1979).

Arms Control and Disarmament Agency, 45 F.R. 69510 (Oct. 21, 1980).

Civil Aeronautics Board, 44 F.R. 45637 (Aug. 3, 1979)

[reissuance of part: 45 F.R. 16132 (Mar. 12, 1980)].

Department of Agriculture agencies

Agriculture Stabilization and Conservation Service, 44 F.R. 44167

(July 27, 1979) [correction: 44 F.R. 45631 (Aug. 3, 1979)]; procedures published as final without CEQ approval, 45 F.R. 32312 (May 16, 1980).

Food Safety and Quality Service, 45 F.R. 60460 (Sept. 12, 1980).

Science and Education Administration, 45 F.R. 11147 (Feb. 20, 1980).

Notice of proposed categorical exclusion of certain Department of Agriculture agency programs, 45 F.R. 38092 (June 6, 1980).

Department of Defense agencies

Department of the Air Force, 44 F.R. 44118 (July 26, 1979)*

Farm Credit Administration, 45 F.R. 55213 (Aug. 19, 1980).

Federal Energy Regulatory Commission, 44 F.R. 50052 (Aug. 27, 1979).

Department of Health and Human Services (formerly HEW), 45 F.R. 14651

(Mar. 6, 1980)*.

Food and Drug Administration, 44 F.R. 71742 (Dec. 11, 1979).

Department of Housing and Urban Development (agency wide procedures), 44 F.R.

67906 (Nov. 27, 1979).

Title I Programs under Housing and Community Development Act, see Appendix

I.

Department of the Interior agencies

Bureau of Indian Affairs, 45 F.R. 49368 (July 24, 1980).**

Heritage Conservation and Recreation Service, 44 F.R. 49523

(Aug. 23, 1979)*.

Lowell Historic Preservation Commission, 45 F.R. 57556 (Aug. 28, 1980)*.

Bureau of Mines, 45 F.R. 10043 (Feb. 14, 1980)*.

Office of Surface Mining Reclamation and Control, 45 F.R. 10043 (Feb. 14,
1980).**

National Park Service, 45 F.R. 32126 (May 15, 1980)*.

Department of Labor, 44 F.R. 69675 (Dec. 4, 1979); published as final without

CEQ approval, 45 F.R. 51184 (Aug. 1, 1980).

Department of Justice, 44 F.R. 43751 (July 26, 1979)*.

Drug Enforcement Agency, 44 F.R. 43754 (July 26, 1979)*.

Immigration and Naturalization Service, 44 F.R. 43754 (July 26, 1979).*

Bureau of Prisons, 44 F.R. 43753 (July 26, 1979).*

Office of Justice, Assistance, Research and Statistics (formerly LEAA),

45 F.R. 45311 (July 3, 1980).*

Federal Communications Commission, 44 F.R. 38913 (July 3, 1979).

Federal Trade Commission, 44 F.R. 42712 (July 20, 1979).

International Boundary and Water Commission (U.S. Section), 44 F.R. 61665

(Oct. 26, 1979).*

Interstate Commerce Commission, 45 F.R. 15236 (Mar. 10, 1980).

National Credit Union Administration, 45 F.R. 12211 (Feb. 25, 1980).

Nuclear Regulatory Commission, 45 F.R. 13739 (Mar. 3, 1980).

Pennsylvania Avenue Development Corporation, 44 F.R. 45925 (Aug. 6, 1979).

Saint Lawrence Seaway Development Corp., 45 F.R. 46601 (July 10, 1980).

Category #3: Anticipate Publication of Proposed Procedures by Dec. 31, 1980

This category includes agencies that are expected to publish proposed procedures in the Federal Register by Dec. 31, 1980.

Bureau of Land Management.

Defense Logistics Agency.

Department of the Navy.

Farmers Home Administration.

Federal Reserve System. **

Geological Survey.

Category #4: Publication of Proposed Procedures Delayed Beyond Dec. 31, 1980

This category includes agencies that are not expected to publish proposed procedures in the Federal Register by Dec. 31, 1980.

Appalachian Regional Commission.

Community Services Administration.

Federal Deposit Insurance Corporation.

Federal Home Loan Bank Board.

Federal Savings and Loan Insurance Corporation.

METRO.

National Highway Traffic Safety Administration.

Securities and Exchange Commission.

The development of agency implementing procedures is a critical stage in Federal efforts to reform the NEPA process. These procedures must, of course, be consistent with the Council's regulations and provide the means for reducing paperwork and delay and producing better decisions in agency planning and decisionmaking.

Interested persons will have the opportunity to make their suggestions for improving agency procedures when they are published in the Federal Register in proposed form. Broad public participation at this crucial juncture could go a long way toward ensuring that the goals of the NEPA regulations are widely implemented in the day-to-day activities of government.

Prior to promulgation of final procedures, agencies are required to submit the proposed final version of their procedures to the Council for review. When the Council finds that an agency's procedures conform with NEPA and the NEPA regulations, the Council sends a letter of approval to the agency after which the agency may adopt and publish its procedures in final form.

The following is an example of the approval letter:

"Honorable R. Max Peterson
Chief, Forest Service
Department of Agriculture
Washington, D.C. 20250

PRINTER:
PLEASE
SET
THIS
LETTER
IN
SMALLER
TYPE
AND
INDENT

"Dear Mr. Peterson:

"Section 1507.3 of the 'Regulations for Implementing The Procedural Provisions of the National Environmental Policy Act', 40 C.F.R. 1500, et seq. provides that each agency shall as necessary adopt procedures to supplement the regulations. Section 1507.3 also provides that final agency procedures shall be adopted only after review by the Council on Environmental Quality.

"On June 12, 1979 your predecessor, Mr. John McGuire, transmitted for Council review final procedures developed by the Forest Service under Section 1507.3 of the NEPA regulations. These procedures were published in the Federal Register for public review and comment on April 29, 1979. The comment period on the procedures concluded May 31, 1979. The preamble to the procedures contains a point-by-point response to the major comments received on the procedures.

"The Council has completed its review of the procedures developed by the Forest Service. Based on that review, the Council has determined that the procedures address all of the sections of the regulations required to be addressed by Section 1507.3(b) of the regulations. The procedures will take effect and supplement the NEPA regulations once they are published in final form in the Federal Register.

Yours truly,

NICHOLAS C. YOST
General Counsel"

Approved

Disapproved

Advisory Council on Historic
Preservation
Agency for International Development
Central Intelligence Agency
Consumer Product Safety Commission
Department of Agriculture
Animal & Plant Health Inspection
Service

Department of Housing and Urban
Development; proposed procedures
implementing NEPA for the Urban
Development Action Grant (UDAG)
Program under Title I programs
under Housing and Community
Development Act

Forest Service

Soil Conservation Service

Rural Electrification Adminis-
tration

Department of Commerce

Economic Development Adminis-
tration

National Oceanic & Atmospheric
Administration

Department of Defense

Army Corps of Engineers

Department of the Army

Department of Energy

Department of the Interior

Fish and Wildlife Service

Water and Power Resources
Service

Department of State

Department of Transportation

Coast Guard

Federal Aviation Administration

Federal Highway Administration &
Urban Mass Transit Administra-
tion

Federal Railroad Administration

Department of the Treasury

Environmental Protection Agency

Export-Import Bank

Federal Emergency Management Agency
Federal Maritime Commission
Federal Railroad Administration
General Services Administration
Public Buildings Service
International Communications Agency
Marine Mammal Commission
National Aeronautics & Space Administration
National Capitol Planning Commission
National Science Foundation
Overseas Private Investment Corporation
Postal Service
Small Business Administration
Tennessee Valley Authority
Veteran's Administration
Water Resources Council

C. Foster Knight
Acting General Counsel

DATE: November 18, 1980

COUNCIL ON ENVIRONMENTAL QUALITY

Sixth Progress Report On Agency Procedures Implementing Executive Order 12114,
"Environmental Effects Abroad of Major Federal Actions" (January 4, 1979)

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information Only: Publication of Sixth Progress Report on Agency
Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of
Major Federal Actions"

SUMMARY: On January 4, 1979, President Carter issued Executive Order 12114
entitled "Environmental Effects Abroad of Major Federal Actions." Executive
Order 12114 requires all federal agencies taking major federal actions outside
the U.S. which are encompassed by and not exempted from the Order, to have in
effect procedures implementing the Order within 8 months after January 4, 1979
(i.e., by September 4, 1979). The Order requires agencies to consult with the
Council on Environmental Quality and the Department of State before putting
their implementing procedures in effect. The Council has previously published
certain explanatory documents concerning implementation of E.O. 12114 (44 F.R.
18722, March 29, 1979). On September 26, 1979 the Council published its first
progress report on agency procedures implementing the Executive Order (44 F.R.
55410), on November 6, 1979 a second progress report (44 F.R. 64101), on January 29,
1980 a third progress report (45 F.R. 6638), on March 25, 1980 a fourth progress
report (45 F.R. 19293), and on June 25, 1980 a fifth progress report. The
purpose of this sixth progress report is to provide an update on where affected
agencies stand in this process.

FOR FURTHER INFORMATION CONTACT: C. Foster Knight, Acting General Counsel,
Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C.
20006; (202) 395-5750.

SIXTH PROGRESS REPORT ON AGENCY PROCEDURES IMPLEMENTING E.O. 12114

The progress report lists federal agencies in two categories. In Category 1 are agencies that have published proposed or final procedures implementing Executive Order 12114. Category 2 lists agencies that have prepared draft procedures or are in the process of developing such procedures, and contains an estimated time such procedures will be published in the Federal Register.

Category 1--Federal agencies that have published proposed or final procedures implementing E.O. 12114.

Agency for International Development	Final Procedures issued Oct. 23, 1980 (44 F.R. 70239).
Arms Control and Disarmament Agency	Proposed procedures contained in NEPA Procedures issued Oct. 21, 1980 (45 F.R. 69510).
Department of Agriculture	Final Procedures issued June 19, 1980 (44 F.R. 41583).
Department of Commerce	Proposed Procedures issued Feb. 12, 1980. (45 F.R. 9307).

National Oceanic and Atmospheric Administration	Final Procedures contained in NEPA procedures paragraphs 10 and 12, issued July 24, 1980 (45 F.R. 49312).
Department of Defense	Final Procedures issued April 12, 1979 (44 F.R. 21786).
Army Corps of Engineers	Final Procedures contained in NEPA procedures, paragraphs 25(b)(3), issued Aug. 25, 1980 (45 F.R. 56760).
Department of the Army	Final Procedures contained in Subpart H 32 C.F.R. 651.34 <u>et seq.</u> , issued Oct. 20, 1980 (45 F.R. 69215)
Department of Energy	Proposed Guidelines issued Sept. 6, 1979 (44 F.R. 52146).
Department of State	(1) Foreign Affairs Manual Circular No. 807A, Procedures Implementing E.O. 12114,* (except nuclear actions) Nov. 21, 1979 (44 F.R. 67004). (2) "Unified Procedures Applicable To Major Federal Actions Relating To Nuclear Activities Subject To Executive Order 12114," Nov. 13, 1979 (44 F.R. 65560).
Department of Transportation	Contained in NEPA procedures (DOT Order 5610.1C) issued Oct. 1, 1979 (44 F.R. 56420), Paragraph 16.

Department of the Treasury

Final Procedures issued July 15, 1980
(45 F.R. 47625).

Environmental Protection Agency

Proposed Procedures implementing E.O.
12114, Nov. 29, 1979 (44 Fed. Reg.
68776).

Export-import Bank of the United
States

Final Procedures issued Aug. 20, 1979
(44 F.R. 50813).

Federal Maritime Commission

Final Procedures contained in NEPA
procedures issued May 21, 1980 (45
F.R. 33996).

National Aeronautics and Space
Administration

Contained in NEPA procedures, Section
1216.321 issued July 30, 1979 (44 F.R.
44490-44491).

Category 2--Federal agencies scheduled to publish procedures implementing
E.O. 12114.

Department of the Interior

Draft procedures implementing E.O. 12114
are under preparation. These procedures
are expected to be published by Dec. 31,
1980.

C. Foster Knight

Acting General Counsel

DATE: November 18, 1980

CEQ 25

COUNCIL ON ENVIRONMENTAL QUALITY**Sixth Progress Report On Agency Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions" (January 4, 1979)****AGENCY:** Council on Environmental Quality, Executive Office of the President.**ACTION:** Information only: Publication of Sixth Progress Report on Agency Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions."

SUMMARY: On January 4, 1979, President Carter issued Executive Order 12114 entitled "Environmental Effects Abroad of Major Federal Actions." Executive Order 12114 requires all federal agencies taking major federal actions outside the U.S. which are encompassed by and not exempted from the Order, to have in effect procedures implementing the Order within 8 months after January 4, 1979 (i.e., by September 4, 1979). The Order requires agencies to consult with the Council on Environmental Quality and the Department of State before putting their implementing procedures in effect. The Council has previously published certain explanatory documents concerning implementation of E.O. 12114 (44 FR 18722, March 29, 1979). On September 28, 1979 the Council published its first progress report on agency procedures

implementing the Executive Order (44 FR 55410), on November 8, 1979 a second progress report (44 FR 84101), on January 29, 1980 a third progress report (45 FR 8638), on March 25, 1980 a fourth progress report (45 FR 19293), and on June 25, 1980 a fifth progress report. The purpose of this sixth progress report is to provide an update on where affected agencies stand in this process.

FOR FURTHER INFORMATION CONTACT: C. Foster Knight, Acting General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006; (202) 395-5750.

Sixth Progress Report on Agency Procedures Implementing E.O. 12114

The progress report lists federal agencies in two categories. In Category 1 are agencies that have published proposed or final procedures implementing Executive Order 12114. Category 2 lists agencies that have prepared draft procedures or are in the process of developing such procedures, and contains an estimated time such procedures will be published in the Federal Register.

Category 1—Federal agencies that have published proposed or final procedures implementing E.O. 12114

Agency for International Development: Final Procedures issued Oct. 23, 1980 (44 FR 70239).

Arms Control and Disarmament Agency: Proposed procedures contained in NEPA Procedures issued Oct. 21, 1980 (45 FR 69510).

Department of Agriculture: Final Procedures issued June 19, 1980 (44 FR 41583).

Department of Commerce: Proposed Procedures issued Feb. 12, 1980. (45 FR 6307).

National Oceanic and Atmospheric Administration: Final Procedures contained in NEPA procedures paragraphs 10 and 12, issued July 24, 1980 (45 FR 49312).

Department of Defense: Final Procedures issued April 12, 1979 (44 FR 21786).

Army Corps of Engineers: Final Procedures contained in NEPA procedures, paragraphs 25(b)(3), issued Aug. 25, 1980 (45 FR 56760).

Department of the Army: Final Procedures contained in Subpart H 32 CFR 651.34 *et seq.*, issued Oct. 20, 1980 (45 FR 69215).

Department of Energy: Proposed Guidelines issued Sept. 6, 1979 (44 FR 52146).

Department of State: (1) Foreign Affairs Manual Circular No. 807A, Procedures Implementing E.O. 12114, (except nuclear actions) Nov. 21, 1979 (44 FR

67004). (2) "Unified Procedures Applicable To Major Federal Actions Relating To Nuclear Activities Subject To Executive Order 12114," Nov. 13, 1979 (44 FR 65560).

Department of Transportation: Contained in NEPA procedures (DOT Order 5810.1C) issued Oct. 1, 1979 (44 FR 56420), Paragraph 16.

Department of the Treasury: Final Procedures issued July 15, 1980 (45 FR 47625).

Environmental Protection Agency: Proposed Procedures implementing E.O. 12114, Nov. 29, 1979 (44 FR 66776).

Export-Import Bank of the United States: Final Procedures issued Aug. 20, 1979 (44 FR 50813).

Federal Maritime Commission: Final Procedures contained in NEPA procedures issued May 21, 1980 (45 FR 33996).

National Aeronautics and Space Administration: Contained in NEPA procedures, Section 1216.321 issued July 30, 1979 (44 FR 44490-44491).

Category 2—Federal agencies scheduled to publish procedures implementing E.O. 12114

Department of the Interior: Draft procedures implementing E.O. 12114 are under preparation. These procedures are expected to be published by Dec. 31, 1980.

Dated: November 18, 1980.

C. Foster Knight,
Acting General Counsel.

[FR Doc. 80-30404 Filed 11-20-80; 9:45 am]
BILLING CODE 9126-01-M

Ninth Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information Only: Publication of Ninth Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act.

SUMMARY: In response to President Carter's Executive Order 11991, on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). 43 FR 55978-56007; 40 CFR 1500-08). Section 1507.3 of the regulations provides that each agency of the Federal Government shall have adopted procedures to supplement the regulations by July 30, 1979. The Council has indicated to Federal agencies its

intention to publish progress reports on agency efforts to develop implementing procedures under the NEPA regulations. The purpose of these progress reports, the ninth of which appears below, is to provide an update on where agencies stand in this process and to inform interested persons of when to expect the publication of proposed procedures for their review and comment.

FOR FURTHER INFORMATION CONTACT: C. Foster Knight, Acting General Counsel, Council on Environmental Quality, 722 Jackson Place, NW, Washington, D.C. 20006; 202-395-5750.

Ninth Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act

At the direction of President Carter (Executive Order 11991), on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). These regulations appear at Volume 43 of the Federal Register, pages 55978-56007 and in volume 40 of the Code of Federal Regulations, parts 1500-1508. Their purpose is to reduce paperwork and delay associated with the environmental review process and to foster environmental quality through better decisions under NEPA.

Section 1507.3 of the NEPA regulations provides that each agency of the Federal government shall adopt procedures to supplement the regulations. The purpose of agency "implementing procedures," as they are called, is to translate the broad standards of the Council's regulations into practical action in Federal planning and decisionmaking. Agency procedures will provide government personnel with additional, more specific direction for implementing the procedural provisions of NEPA, and will inform the public and State and local officials of how the NEPA regulations will be applied to individual Federal programs and activities.

In the course of developing implementing procedures, agencies are required to consult with the Council and to publish proposed procedures in the Federal Register for public review and comment. Proposed procedures must be revised as necessary to respond to the ideas and suggestions made during the comment period. Thereafter, agencies are required to submit the proposed final version of their procedures for 30 day review by the Council for conformity with the Act and the NEPA regulations. After making such changes as are indicated by the Council's review, agencies are required to promulgate

their final procedures. Although CEQ's regulations required agencies to publish their procedures by July 30, 1979 a number of Federal agencies did not meet this deadline. We stress, however, that the CEQ regulations are in effect now and are binding on all agencies of the Federal government now, whether or not the agencies are on time or late with their own procedures.

The Council published its first progress report on agency implementing procedures on May 7, 1979, its second report on July 23, 1979, its third report on September 26, 1979, its fourth report on November 2, 1979, its fifth report on December 14, 1979, its sixth report on January 29, 1980, its seventh report on March 25, 1980, and its eighth report on June 25, 1980 (44 FR 26781-82; 44 FR 43037-38; 44 FR 55406-55410; 44 FR 63132-63133; 44 FR 72622-72623; 45 FR 6638-6640; 45 FR 18294; 45 FR 42786). The ninth progress report appears below. The Council hopes that concerned members of the public will review and comment upon agency procedures to insure that the reforms required by President Carter and by the Council's regulations are implemented. Agencies preparing implementing procedures are listed under one of the following four categories:

Category #1: Final Procedures Have Been Published

This category includes agencies whose final procedures have appeared in the Federal Register.

Advisory Council on Historic Preservation, 45 FR 4353 (Jan. 22, 1980).

Agency for International Development, 45 FR 70239 (Oct. 23, 1980).

Central Intelligence Agency, 44 FR 45431 (Aug. 2, 1979).

Consumer Product Safety Commission, 45 FR 69433 (Oct. 21, 1980).

Department of Agriculture, 44 FR 44802 (July 30, 1979).

Animal and Plant Health Inspection Service, 44 FR 50381 (Aug. 28, 1979) [correction: 44 FR 51272 (Aug. 31, 1979)].

Forest Service, 44 FR 44718 (July 30, 1979).

Soil Conservation Service, 44 FR 50576 (Aug. 29, 1979).

Rural Electrification Administration, 45 FR 6592 (Jan. 29, 1980).

Department of Commerce, 45 FR 47898 (July 17, 1980).

Economic Development Administration, 45 FR 63310 (Sept. 24, 1980).

National Oceanic and Atmospheric Administration, 45 FR 49312 (July 24, 1980).

Department of Defense, 44 FR 46841 (Aug. 9, 1979).
 Army Corps of Engineers, 45 FR 56790 (Aug. 25, 1980).
 Department of the Army, 45 FR 69215 (Oct. 20, 1980).
 Department of Energy, 45 FR 20694 (Mar. 28, 1980); proposed amendments for categorical exclusions for Fuel Use Act, 45 FR 53199 (Aug. 11, 1980).
 Department of the Interior (revised), 45 FR 27541 (April 23, 1980).
 Fish and Wildlife Service, 45 FR 47941 (July 17, 1980).
 Water and Power Resources Services, 45 FR 47944 (July 17, 1980).
 Department of State, 45 FR 59553 (Sept. 10, 1980).
 Department of Transportation, 44 FR 58420 (Oct. 1, 1979).
 Coast Guard, 45 FR 32816 (May 19, 1980).
 Federal Aviation Administration, 45 FR 2244 (Jan. 10, 1980).
 Federal Highway Administration, issued jointly with UMTA, 45 FR 71988 (Oct. 30, 1980).
 Federal Railroad Administration, 45 FR 40854 (June 18, 1980).
 Urban Mass Transportation Administration, issued jointly with FHWA, 45 FR 71988 (Oct. 30, 1980).
 Department of the Treasury, 45 FR 1828 (Jan. 8, 1980).
 Environmental Protection Agency, 44 FR 64174 (Nov. 6, 1979).
 Export-Import Bank, 44 FR 50810 (Aug. 30, 1979).
 Federal Emergency Management Agency, 45 FR 41141 (June 18, 1980); proposed amendments for categorical exclusions, 45 FR 67888 (Oct. 14, 1980).
 Federal Maritime Commission, 45 FR 33998 (May 21, 1980).
 Federal Railroad Administration, 45 FR 40854 (June 18, 1980).
 General Services Administration, 45 FR 83 (Jan. 2, 1980).
 Public Buildings Service (see 44 FR 65875, Nov. 14, 1979).
 International Communications Agency, 44 FR 45489 (Aug. 2, 1979).
 Marine Mammal Commission, 44 FR 52837 (Sept. 11, 1979).
 National Aeronautics and Space Administration, 44 FR 44485 (July 30, 1979) [corrections: 44 FR 49650 (Aug. 24, 1979); 44 FR 69920 (Dec. 5, 1979)].
 National Capitol Planning Commission, 44 FR 64923 (Nov. 8, 1979).
 National Science Foundation, 45 FR 39 (Jan. 2, 1980).
 Overseas Private Investment Corporation, 44 FR 51385 (Aug. 31, 1979). [NEPA Procedures are contained in this agency's

procedures implementing Executive Order 12114 cited above.]
 Postal Service, 44 FR 63524 (Nov. 5, 1979).
 Small Business Administration, 45 FR 7358 (Feb. 1, 1980).
 Tennessee Valley Authority, 45 FR 54511 (Aug. 15, 1980).
 Veteran's Administration, 45 FR 62800 (Sept. 22, 1980).
 Water Resources Council, 44 FR 89921 (Dec. 5, 1979).

Category 2: Proposed Procedures Have Been Published

This category includes agencies whose proposed procedures have appeared in the Federal Register. Those agencies whose final procedures are expected within 30 days are marked with a single asterisk (*); those expected within 60 days by a double asterisk (**).
 ACTION, 44 FR 60110 (Oct. 18, 1979).
 Arms Control and Disarmament Agency, 45 FR 69510 (Oct. 21, 1980).
 Civil Aeronautics Board, 44 FR 45637 (Aug. 3, 1979) [Reissuance of part: 45 FR 16132 (Mar. 12, 1980)].
 Department of Agriculture agencies
 Agriculture Stabilization and Conservation Service, 44 FR 44167 (July 27, 1979) [correction: 44 FR 45631 (Aug. 3, 1979)]; procedures published as final without CEQ approval, 45 FR 32312 (May 16, 1980).
 Food Safety and Quality Service, 45 FR 60460 (Sept. 12, 1980).
 Science and Education Administration, 45 FR 11147 (Feb. 20, 1980).
 Notice of proposed categorical exclusion of certain Department of Agriculture agency programs, 45 FR 38092 (June 6, 1980).
 Department of Defense agencies
 Department of the Air Force, 44 FR 44118 (July 26, 1979)*
 Farm Credit Administration, 45 FR 55213 (Aug. 19, 1980).
 Federal Energy Regulatory Commission, 44 FR 50052 (Aug. 27, 1979).
 Department of Health and Human Services (formerly HEW), 45 FR 14651 (Mar. 6, 1980)*.
 Food and Drug Administration, 44 FR 71742 (Dec. 11, 1979).
 Department of Housing and Urban Development (agency wide procedures), 44 FR 67906 (Nov. 27, 1979).
 Title I Programs under Housing and Community Development Act, see Appendix I.
 Department of the Interior agencies
 Bureau of Indian Affairs, 45 FR 49368 (July 24, 1980)**.
 Heritage Conservation and Recreation

Service, 44 FR 49523 (Aug. 23, 1979)*.
 Lowell Historic Preservation Commission, 45 FR 57556 (Aug. 28, 1980)*.
 Bureau of Mines, 45 FR 10043 (Feb. 14, 1980)*.
 Office of Surface Mining Reclamation and Control, 45 FR 10043 (Feb. 14, 1980)**.
 National Park Service, 45 FR 32126 (May 15, 1980)*.
 Department of Labor, 44 FR 69675 (Dec. 4, 1979); published as final without CEQ approval, 45 FR 51184 (Aug. 1, 1980).
 Department of Justice, 44 FR 43751 (July 28, 1979)*.
 Drug Enforcement Agency, 44 FR 43754 (July 28, 1979)*.
 Immigration and Naturalization Service, 44 FR 43754 (July 28, 1979)*.
 Bureau of Prisons, 44 FR 43753 (July 28, 1979)*.
 Office of Justice, Assistance, Research and Statistics (formerly LEAA), 45 FR 45311 (July 3, 1980)*.
 Federal Communications Commission, 44 FR 38913 (July 3, 1979).
 Federal Trade Commission, 44 FR 42712 (July 20, 1979).
 International Boundary and Water Commission (U.S. Section), 44 FR 61865 (Oct. 28, 1979)*.
 Interstate Commerce Commission, 45 FR 15236 (Mar. 10, 1980).
 National Credit Union Administration, 45 FR 12211 (Feb. 25, 1980).
 Nuclear Regulatory Commission, 45 FR 13739 (Mar. 3, 1980).
 Pennsylvania Avenue Development Corporation, 44 FR 45925 (Aug. 6, 1979).
 Saint Lawrence Seaway Development Corp., 45 FR 46801 (July 10, 1980).

Category 3: Anticipate Publication of Proposed Procedures by Dec. 31, 1980

This category includes agencies that are expected to publish proposed procedures in the Federal Register by Dec. 31, 1980.
 Bureau of Land Management.
 Defense Logistics Agency.
 Department of the Navy.
 Farmers Home Administration.
 Federal Reserve System.
 Geological Survey.

Category 4: Publication of Proposed Procedures Delayed Beyond Dec. 31, 1980

This category includes agencies that are not expected to publish proposed procedures in the Federal Register by Dec. 31, 1980.
 Appalachian Regional Commission.
 Community Services Administration.

Federal Deposit Insurance Corporation.
Federal Home Loan Bank Board.
Federal Savings and Loan Insurance Corporation.

METRO.

National Highway Traffic Safety Administration.

Securities and Exchange Commission.

The development of agency implementing procedures is a critical stage in Federal efforts to reform the NEPA process. These procedures must, of course, be consistent with the Council's regulations and provide the means for reducing paperwork and delay and producing better decisions in agency planning and decisionmaking.

Interested persons will have the opportunity to make their suggestions for improving agency procedures when they are published in the Federal Register in proposed form. Broad public participation at this crucial juncture could go a long way toward ensuring that the goals of the NEPA regulations are widely implemented in the day-to-day activities of government.

Prior to promulgation of final procedures, agencies are required to submit the proposed final version of their procedures to the Council for review. When the Council finds that an agency's procedures conform with NEPA and the NEPA regulations, the Council sends a letter of approval to the agency after which the agency may adopt and publish its procedures in final form.

The following is an example of the approval letter:

Honorable R. Max Peterson,
Chief, Forest Service,
Department of Agriculture, Washington, D.C.

Dear Mr. Peterson: Section 1507.3 of the Regulations for Implementing The Procedural Provisions of the National Environmental Policy Act, 40 CFR 1500, *et seq.* provides that each agency shall as necessary adopt procedures to supplement the regulations. Section 1507.3 also provides that final agency procedures shall be adopted only after review by the Council on Environmental Quality.

On June 12, 1979 your predecessor, Mr. John McGuire, transmitted for Council review final procedures developed by the Forest Service under Section 1507.3 of the NEPA regulations. These procedures were published in the Federal Register for public review and comment on April 29, 1979. The comment period on the procedures concluded May 31, 1979. The preamble to the procedures contains a point-by-point response to the major comments received on the procedures.

The Council has completed its review of the procedures developed by the Forest Service. Based on that review, the Council has determined that the procedures address all of the sections of the regulations required to be addressed by Section 1507.3(b) of the regulations. The procedures will take effect

and supplement the NEPA regulations once they are published in final form in the Federal Register.

Yours truly,

Nicholas C. Yost,
General Counsel.

Approved

Advisory Council on Historic Preservation
Agency for International Development
Central Intelligence Agency
Consumer Product Safety Commission
Department of Agriculture
Animal & Plant Health Inspection Service
Forest Service
Soil Conservation Service
Rural Electrification Administration
Department of Commerce
Economic Development Administration
National Oceanic & Atmospheric Administration
Department of Defense
Army Corps of Engineers
Department of the Army
Department of Energy
Department of the Interior
Fish and Wildlife Service
Water and Power Resources Service
Department of State
Department of Transportation
Coast Guard
Federal Aviation Administration
Federal Highway Administration & Urban Mass Transit Administration
Federal Railroad Administration
Department of the Treasury
Environmental Protection Agency
Export-Import Bank
Federal Emergency Management Agency
Federal Maritime Commission
Federal Railroad Administration
General Services Administration
Public Buildings Service
International Communications Agency
Marine Mammal Commission
National Aeronautics & Space Administration
National Capitol Planning Commission
National Science Foundation
Overseas Private Investment Corporation
Postal Service
Small Business Administration
Tennessee Valley Authority
Veteran's Administration
Water Resources Council

Disapproved

Department of Housing and Urban Development; proposed procedures implementing NEPA for the Urban Development Action Grant (UDAG) Program under Title I programs under Housing and Community Development Act.

Dated: November 18, 1980.

C. Foster Knight,
Acting General Counsel.

(FR Doc. 80-36479 Filed 11-20-80; 8:45 am)
BILLING CODE 3125-01-M

Don Fowler

FY11
2/10/78

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DANIEL PATRICK MOYNIHAN, N.Y.	

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, D.C. 20510

February 2, 1978

JOHN W. YAGO, JR., STAFF DIRECTOR
BAILEY GUARD, MINORITY STAFF DIRECTOR

CEQ 27

Mr. Stuart Eizenstat
 Assistant to the President
 for Domestic Affairs and Policy
 The White House
 Washington, D.C.

Dear Stu:

On October 11, 1972, I wrote to Russell E. Train, Chairman of the Council on Environmental Quality, regarding the need for compliance with the National Environmental Policy Act by the Agency for International Development, the Export-Import Bank and the Overseas Private Investment Corporation. Some progress was made during the previous Administration to assure compliance with NEPA by other agencies. Now, the Council has proposed regulations which contemplate the preparation of an environmental impact statement -- as required by the statute -- in all cases where a major federal action would significantly affect the quality of the human environment, including instances where the federal action and its impacts might occur outside the United States.

Recent press reports quote the representatives of some government agencies as stating that NEPA does not apply to actions and impacts abroad and that such application would be seen as "unwarranted intrusion" into matters subject to the "sovereign authority of other governments." These views are based on an obvious misapprehension of the National Environmental Policy Act generally and the environmental impact statement requirements.

First, as to the coverage of NEPA: the language of the statute indicates clearly the intent of Congress that environmental impact statements are to be prepared in all situations covered by section 102(2)(C), regardless of the site of the federal action or the location of its impacts. The legislative history of NEPA is along the same lines. For example, Senator Jackson, who sponsored the legislation, said in the Senate debate just before passage:

"What is involved is a Congressional declaration that we do not intend, as a government or as a people, to initiate actions which endanger the continued existence or the health of mankind. That we will not intentionally initiate actions which will do irreparable damage to the air, land, and water which supports life on earth."

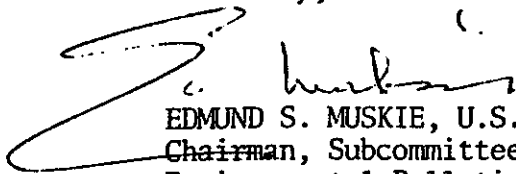
Mr. Stuart Eizenstat
February 2, 1978
Page 2.

Virtually all government agencies have now begun to apply the statute to cases where the federal activities and their impacts are located outside the United States. Agencies having international programs, such as the Departments of State and Defense and the Agency for International Development, have reflected this in their regulations, and a number of government agencies have prepared environmental impact statements on activities carried out abroad or which have impacts abroad. The few court cases that have considered the question likewise have held that NEPA applies to major federal actions and their impacts regardless of location.

This is not a question of the U.S. imposing its environmental laws and standards on other countries. Rather, the requirement of section 102 (2)(C) of NEPA is for the preparation of an analysis that will illuminate the environmental consequences of a particular action before the decision is made to go ahead. The statute does not determine what decision will be made. In the case of an action to be undertaken abroad or having impacts abroad, the function of an environmental impact statement is to furnish the U.S. government agency, and other governments affected, with the best available environmental information and evaluation before decisions are made.

I hope the Administration will support vigorously the protection of the global environment through assuring that the relevant factors are brought to light and made available in the decision-making process under NEPA. The Council on Environmental Quality deserves support and encouragement as it proceeds with steps to give effect to the mandate of Congress.

Sincerely,


EDMUND S. MUSKIE, U.S.S.
Chairman, Subcommittee on
Environmental Pollution

CEQ 28

April 2, 1976

[REDACTED]

NR

[REDACTED]

Malcolm Baldwin
Export-Import Bank

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

March 30, 1976

MEMORANDUM FOR MALCOLM BALDWIN

FROM: Ben Merrill *B Merrill*

SUBJECT: NEPA Procedures for Financial Aid Institutions
of the U.S. Government

The pending promulgation and publication by AID of procedures for complying with Section 102(2)(C) provides an opportunity for CEQ to turn its attention to other similarly situated Federal funding institutions.

In a meeting on Monday, March 22, 1976 with Earl Lubensky, Jim Mandros, Ken Weiner, and myself, we discussed approaches and strategies for breaching the NEPA gap with other agencies. Those mentioned included:

OPIC
USIA
ACIA
ACTION
Export-Import Bank

We agreed, after some discussion, that these agencies should be approached and asked to define their relationship to NEPA and its implementation. The most important and pressing agencies which we should give priority seems to be Export-Import Bank and the United States Information Agency. This is so because Ex-Im Bank has recently come under pressure from the NRDC to define its NEPA compliance procedures, and was a joint defendant in the case Sierra Club v. AEC, (6 ERC 1980 (1974)), thus being put on notice of interest

in their procedures. As for USIA, Jim Mandros is on loan to CEQ from that agency and as such a resource person, able to work with it in developing some positive NEPA posture.

Our discussion of strategy included informal contacts with identified NEPA officers at those agencies, and a letter to them pointing out AID's recent decision to publish procedures. We would hope to use the AID procedures as a negotiating point.

Whether or not we attempt an approach to all similarly situated agencies, or to these two -- and AID makes three -- Ken Weiner brought up several good points which we all agreed should be answered by the Council so that we would have a single, coherent posture vis-a-vis these types of institutions. I have attached Ken's memo.

In answering Ken's questions, we should be careful that we do not have to carve out exceptions in our answers to accommodate AID, with whom we have already worked.

Jim Mandros has agreed to have a draft letter to USIA/EX-IM Bank during the week of April 5-9th so that several of us can offer comments as to approach.

Answers to Ken's questions should be structured around some format for reaching a staff, and perhaps a Council consensus. I am not aware of any formal procedure. Recommendations are welcomed.

Attachment

cc: Jellinek
Widman
Matuszeski
Lubensky
Mandros
Weiner
Tundermann
Gutting

3. On the small handle issue, should such international development agencies participate in environmental assessments (generically speaking) without necessarily being required to be the lead agency or do the EIS themselves? When and how?

4. If impacts are solely overseas, does that require an EIS or some form of assessment? When and how?

The problems of developing an EIS for actions undertaken by Federal agencies with impacts in other countries should be kept in mind. For example, the impact on "cultural" heritage. Is an American agency competent to determine such impacts? Even if it is, can or should the agency take them into account? Is such a determination the internal policy of the nation being assisted? Should the agency (or CEQ) defer to the State Department for such a policy call on the effects of the action in question?



Kenneth Weiner

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

NOTE TO: Ben Merrill
SUBJECT: EIS Application to International Situations
DATE: March 22, 1976

I am listing some of the questions which come to mind as being relevant to developing and articulating our position on this subject, as per our conversation. Use them as you see fit.

General applicability

1. Are funds that a financial institution provides subject to some form of environmental assessment on the activities to be funded?

How does the answer apply to domestic institutions (e.g. the Fed, Fhlmc)? foreign monetary transactions (e.g. AID, Ex-Im)?

2. What happens in cases where the activities to be funded are speculative or unknown, as is often the case with financing commitments?

Similar questions:

- Are the benefits (actual or potential) that an insurance institution provides subject to some form of environmental assessment on their use? domestic (e.g. GNMA)? foreign?
- Is the assistance (financial or technical) that an agency provides overseas subject to some form of environmental assessment on the activities being assisted? (e.g. DOD, ACTION)

In short, is financing/ insuring/ assisting a "Federal action"?
If it is a Federal action, does it require an EIS?
Are there special circumstances in the international situation which need to be taken into account?

April 2, 1976

MEMORANDUM FOR BEN MERRILL

RE: NEPA procedures on international financial aid

Ben, I support Dave Tundermann's comments.

Now that AID's procedures have been published, how about a new meeting to consider Tundermann's points.

Gary Widman

cc: Steve Jellinek
Malcolm Baldwin
David Tundermann
Earl Labensky

Thompson
Export Bank

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
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March 30, 1976

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Kenneth Weiner



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

CEQ 30

INTERAGENCY TASK FORCE ON ENVIRONMENTAL IMPACTS ABROAD

REPORT OF THE TASK FORCE CHAIRMAN

EDWARD E. YATES

JULY 23, 1990

I. INTRODUCTION

The National Environmental Policy Act (NEPA) requires federal agencies to assess the environmental impacts of their actions through the Environmental Impact Assessment (EIA) process. The statutory language does not specifically state whether NEPA applies to federal actions abroad and the courts have not made any clear ruling on this issue. After years of interagency debate concerning the extraterritorial application of NEPA, President Carter issued Executive Order 12114, establishing a procedure for the Executive branch in this area. E.O. 12114, however, has not been applied consistently and its broad exemptions have prompted both Senate and House committees to hold hearings on this issue and introduce legislation that would apply NEPA extraterritorially.

Legislation concerning the extraterritorial application of NEPA has passed the House (HR 1113) and is poised for consideration by the Senate (S 1089). Last year, the administration noted serious concerns with particular provisions of HR 1113 but also stated that, "the President is firmly committed to ensuring that the environmental impacts of federal extraterritorial activities are properly considered." Further, the Administration made a commitment to reevaluate Executive Order 12114, to "ensur[e] that pertinent environmental aspects of all U.S. major actions abroad are fully considered."

CEQ convened an interagency task force, chaired by Edward Yates, Assistant General Counsel, and assisted by individuals from 18 federal agencies that engage in actions with environmental impacts outside the U.S. or which have an interest in such actions. The Task Force was set up as a working group to review and assess the implementation of the Executive Order. It was not convened to develop or decide administration policy concerning pending relevant legislation or to actually draft a revision of the Executive Order. Its findings, as reported by the Chairman, follow.

II. TASK FORCE PROCESS

In its first substantive meeting, the Task Force listened to reports from three federal agencies who carry out numerous actions abroad, the Department of Defense, the Agency for International Development, and the Overseas Private Investment Corporation. The Departments of State and Treasury also gave brief presentations. In another session, non-governmental organizations and Congressional staff were invited to give presentations and answer questions. These organizations included representatives from industry, environmental advocacy organizations and international institutions. The Task Force then met several times to identify issues and problems connected with the Executive Order, including

its scope, agency procedures, exemptions and judicial review. This report was drafted by the Task Force Chairman and circulated for comment to the various agency representatives. Comments concerning a possible revision of the E.O. are not attributed to specific agencies because this report is not intended as an identification of current agency policy on this subject.

III. TASK FORCE FINDINGS

1. Agency Presentations

[REDACTED]

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NR

[REDACTED]

[REDACTED]

acknowledged the usefulness of the notification materials which they had received. OPIC, like AID, expressed concern over judicial review.

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