



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

CHAIRMAN

October 1, 2008

The Honorable Dirk Kempthorne
Secretary of the Interior
United States Department of the Interior
1849 C Street, NW
Room 6156
Washington, DC 20240

Re: Department of Interior NEPA Regulations

Dear Secretary Kempthorne:

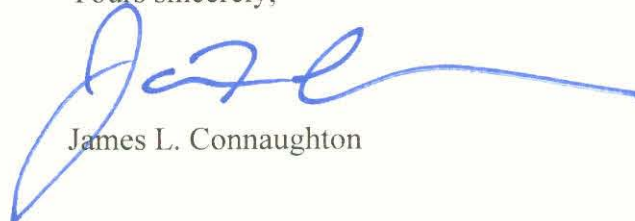
Thank you for forwarding the Department of Interior's National Environmental Policy Act (NEPA) regulations to the Council on Environmental Quality (CEQ). The CEQ regulations provide that agencies review their NEPA policies and procedures and, in consultation with CEQ, revise them as necessary to ensure full compliance with the purposes and provisions of NEPA (40 C.F.R. § 1507.3).

CEQ reviewed the proposed conversion of the Department of Interior NEPA procedures from Chapters 1-6 of Part 516 of the Departmental Manual to regulations at a new part 46 to Subtitle A of title 43 of the Code of Federal Regulations. This review included consideration of the public comments, as well as our discussions. The proposed changes and conversion of the procedures as regulations was published in the Federal Register for comment January 2, 2008 (73 FR 126). The final regulations are attached.

Based on our review, CEQ concludes that the Department of the Interior NEPA regulations are in conformance with NEPA and the CEQ regulations. The amendments and conversion to regulations will take effect once the notice of the final rule is published in the Federal Register.

Thank you for your responsiveness to our comments and recommendations.

Yours sincerely,



James L. Connaughton

Attachment

**PART 46—IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY
ACT OF 1969**

Sec.

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46.10 Purpose of this part.

46.20 How to use this part.

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- 46.310 Contents of an environmental assessment.
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- 46.405 Remaining within page limits.
- 46.415 Environmental Impact Statement Content, Alternatives, Circulation and Filing Requirements.

- 46.420 Terms used in an environmental impact statement.
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- 46.440 Eliminating duplication with State and local procedures.
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Authority: 42 U.S.C. 4321 et seq. (The National Environmental Policy Act of 1969, as amended); Executive Order 11514, (Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977)); 40 CFR parts 1500-1508 (43 FR 55978) (National Environmental Policy Act, Implementation of Procedural Provisions).

Subpart A – General Information

§ 46.10 Purpose of this part.

(a) This part establishes procedures for the Department, and its constituent bureaus, to use for compliance with:

(i) The National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.); and

(ii) The Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (40 CFR parts 1500-1508).

(b) Consistent with 40 CFR 1500.3, it is the Department’s intention that any trivial violation of these regulations will not give rise to any independent cause of action.

§ 46.20 How to use this part.

(a) This part supplements, and is to be used in conjunction with, the CEQ regulations except where it is inconsistent with other statutory requirements. The following table shows the corresponding CEQ regulations for the sections in subparts A – E of this part. Some sections in those subparts do not have a corresponding CEQ regulation.

Subpart A 40 CFR

46.10	Parts 1500-1508
46.20	No corresponding CEQ regulation
46.30	No corresponding CEQ regulation

Subpart B

46.100	1508.14, 1508.18, 1508.23
46.105	1506.5
46.110	No corresponding CEQ regulation
46.115	1508.7
46.120	1502.9, 1502.20, 1502.21, 1506.3
46.125	1502.22
46.130	1502.14
46.135	1502.21
46.140	1502.20
46.145	No corresponding CEQ regulation
46.150	1506.11
46.155	1502.25, 1506.2
46.160	1506.1

46.170 No corresponding CEQ regulation

Subpart C

46.200 1501.2

46.205 1508.4

46.210 1508.4

46.215 1508.4

46.220 1501.5

46.225 1501.6

46.230 1501.6

46.235 1501.7

46.240 1501.8

Subpart D

46.300 1501.3

46.305 1501.7, 1506.6

46.310 1508.9

46.315 No corresponding CEQ regulation

46.320 1506.3

46.325 1501.4

Subpart E

46.400 1502.5

46.405 1502.7

46.415 1502.10

46.420 1502.14