

## First stab at possible questions for ANPR

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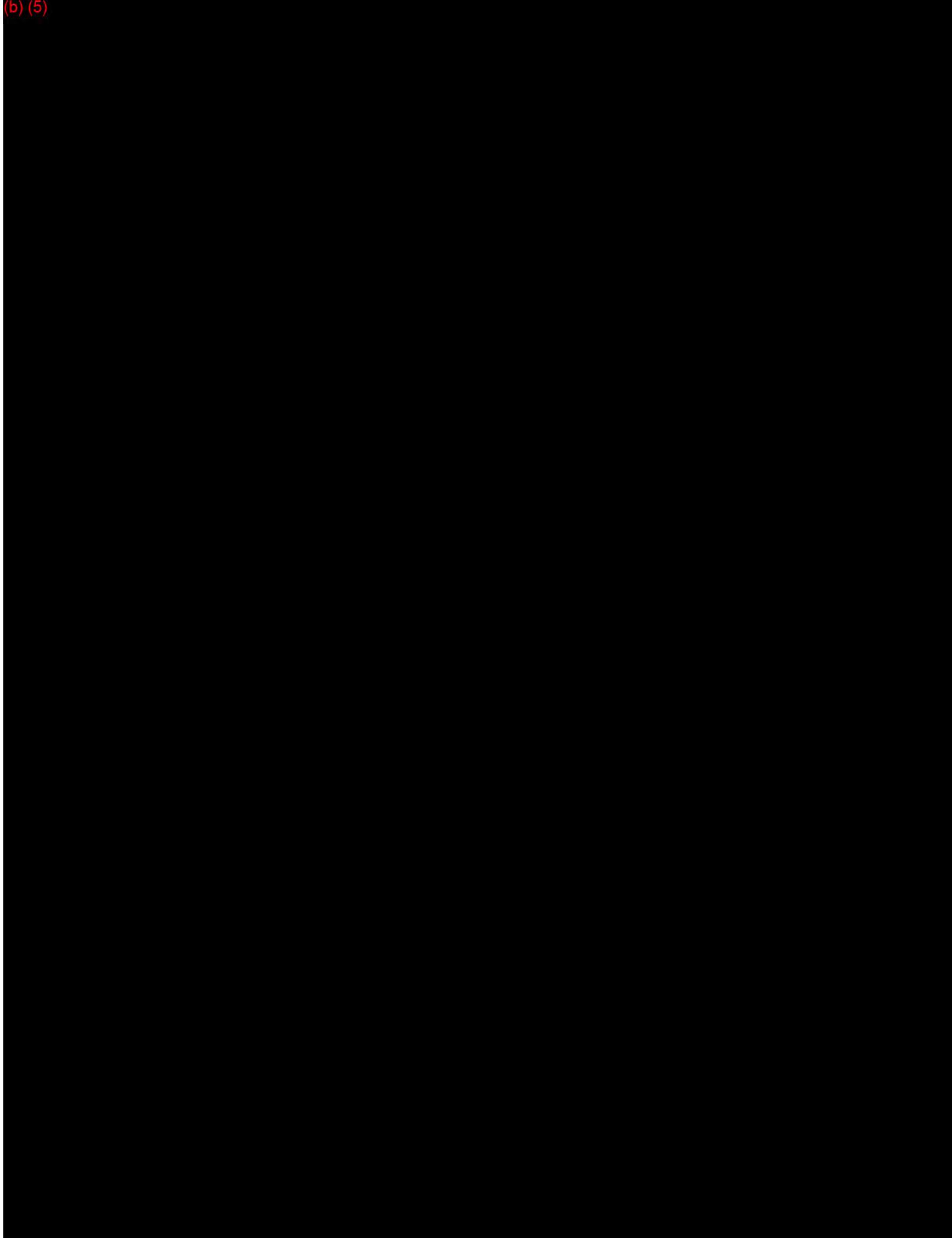
**From:** "Loyola, Mario A. EOP/CEQ" <(b) (6)>  
**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Cc:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Date:** Sat, 24 Feb 2018 18:26:56 -0500  
**Attachments:** Possible Questions for ANPR.docx (14.28 kB)

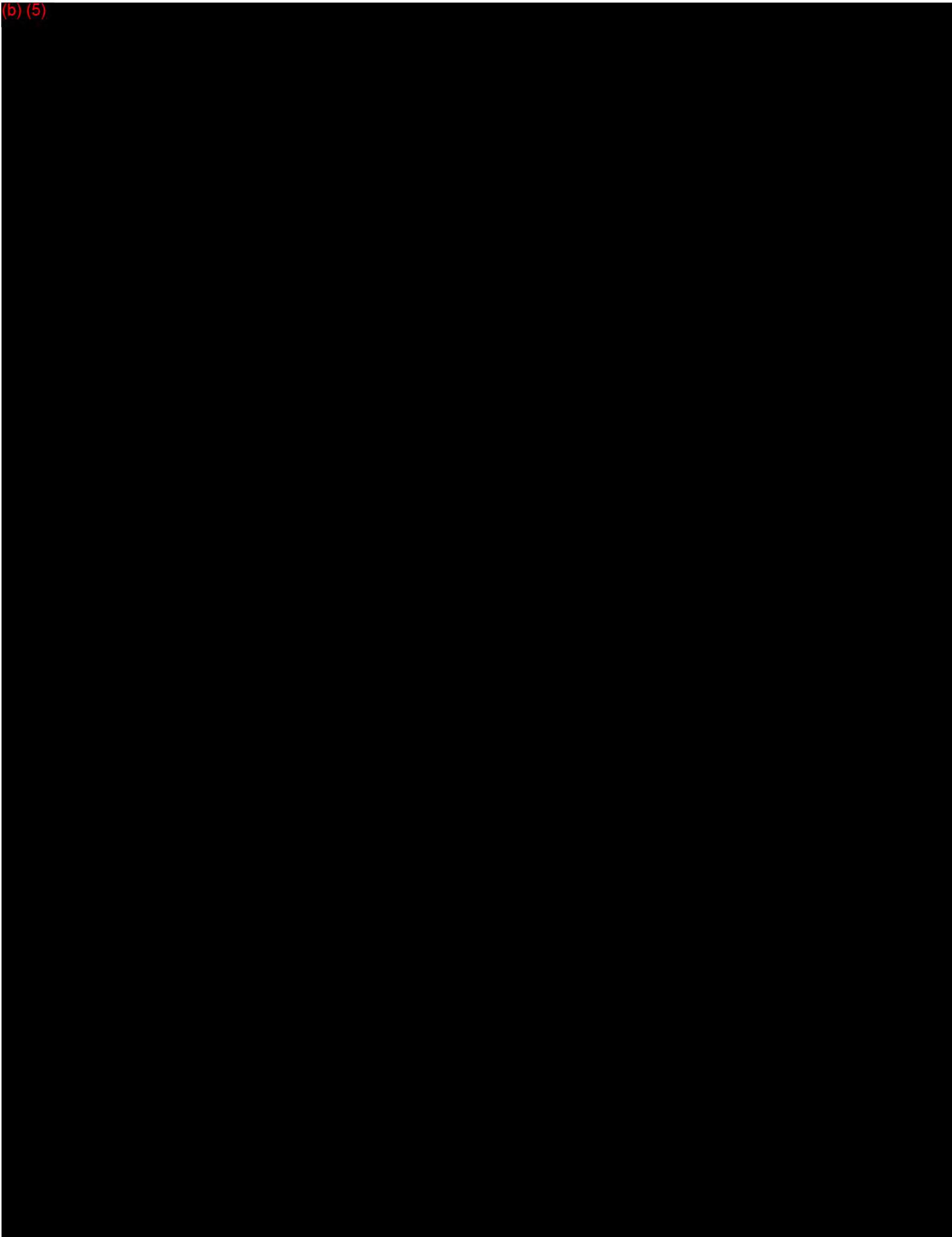
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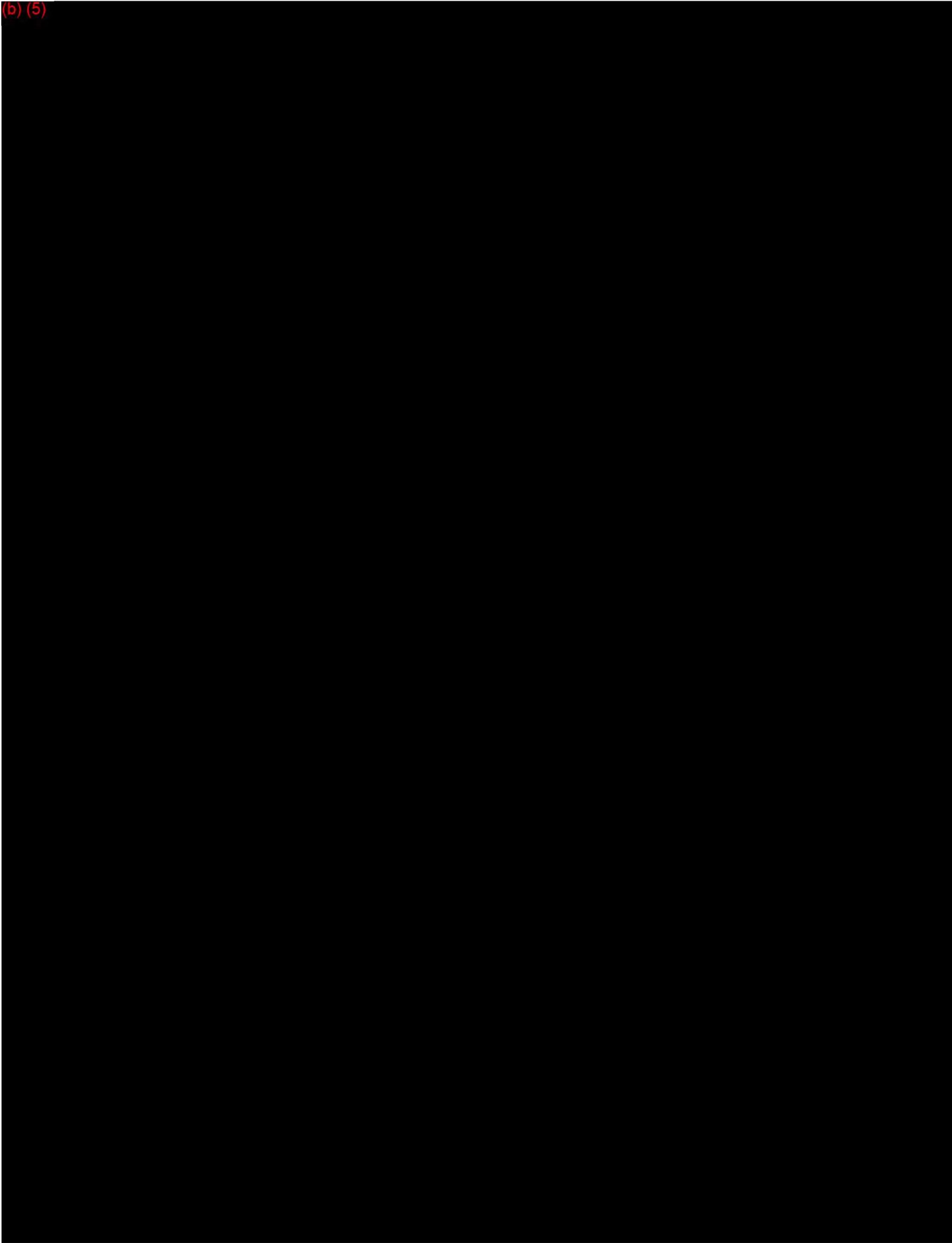
Dear Ted – here is some material that might be helpful in drafting the ANPR. (b) (5)  
(b) (5), but this might be a useful starting point nonetheless.

Best,

Mario Loyola  
Associate Director, Regulatory Reform  
White House Council on Environmental Quality  
(o) (b) (6) | (c) (b) (6)







## Final Draft Version of Regulatory Agenda

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**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 01 Mar 2018 10:22:15 -0500  
**Attachments**  
: RegAgenda Draft.docx (17.53 kB)

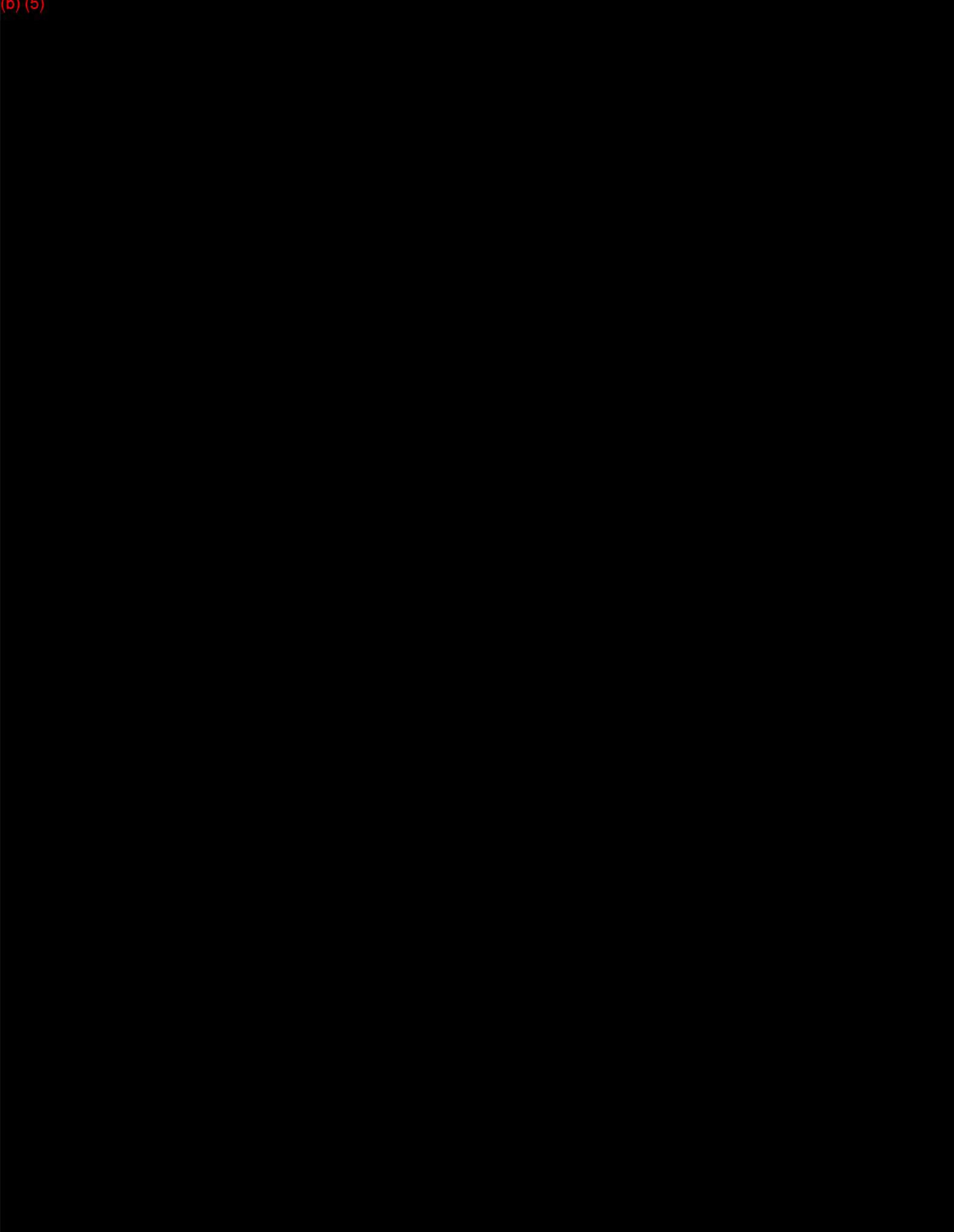
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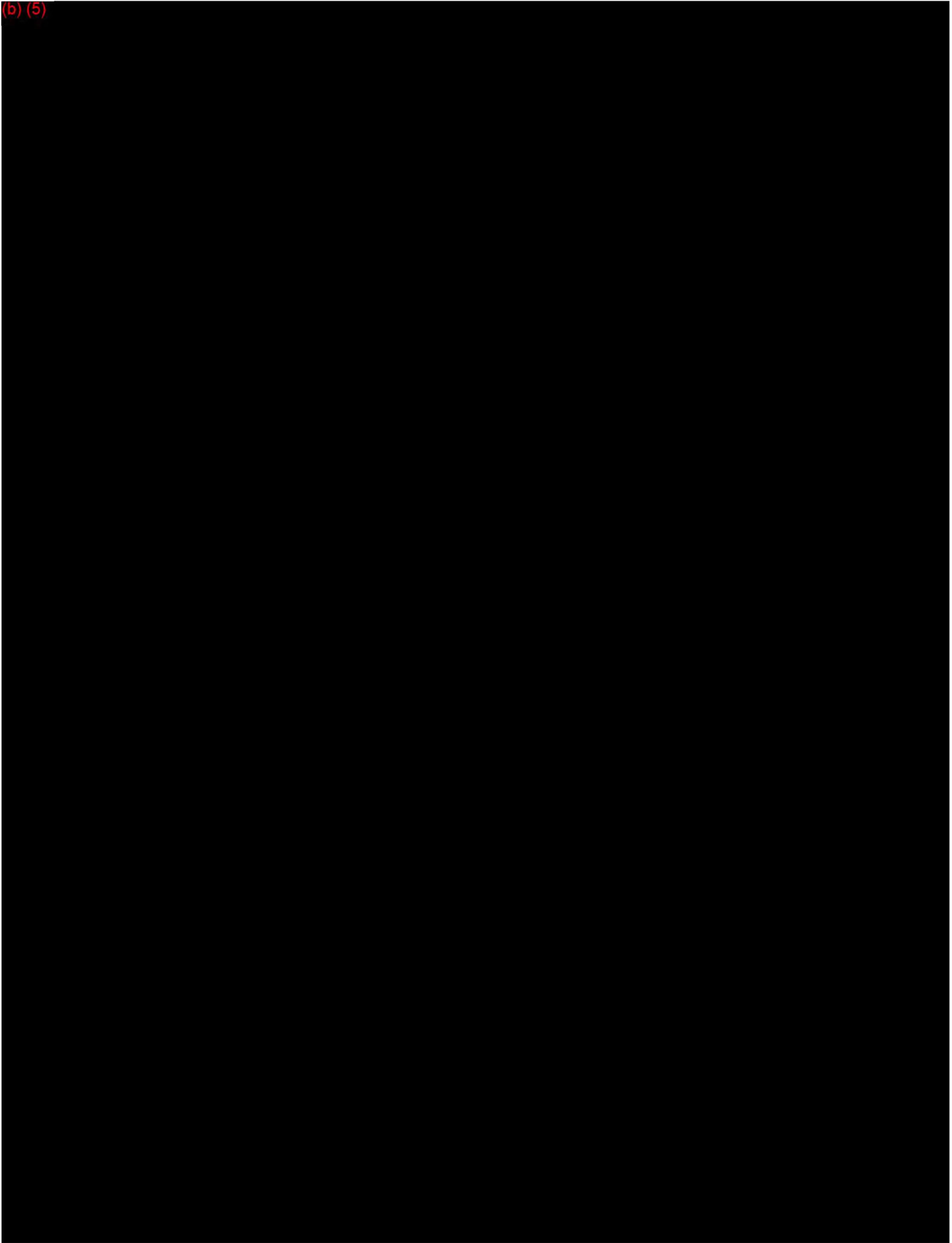
Hey Mary and Viktoria,

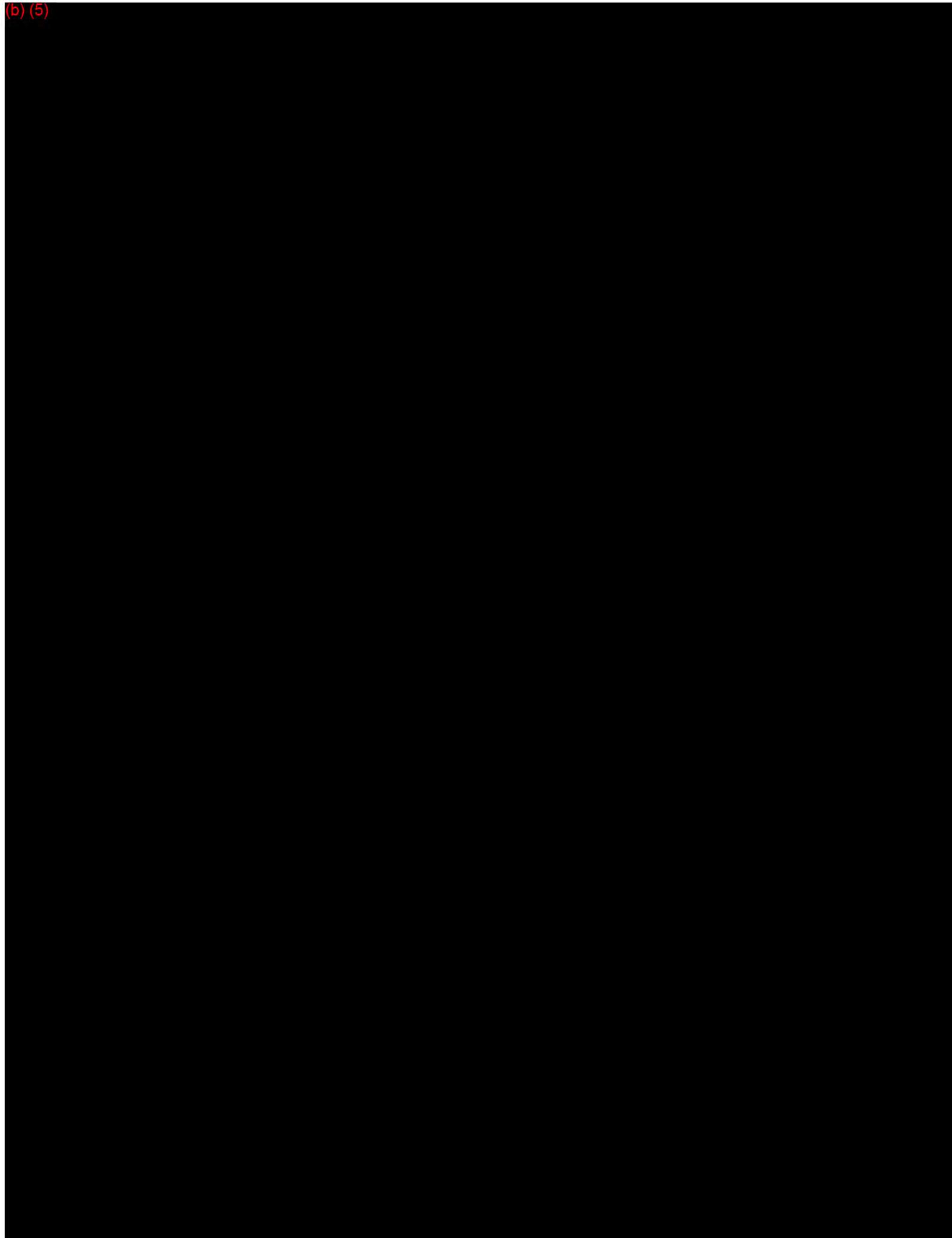
Please see attached a clean version of the Regulatory Agenda that incorporates comments from you both. As mentioned previously, this is for submission to OIRA for the Spring Agenda process that would be internal to EOP until it is published in April timeframe.

Thanks.

**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality  
(b) (6) (Desk)  
(b) (6) (Cell)  
(b) (6)







## Draft ANPRM

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**From:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ"  
<(b) (6)> "Loyola, Mario A. EOP/CEQ"  
<(b) (6)> "Drummond, Michael R. EOP/CEQ"  
<(b) (6)>  
**Date:** Wed, 07 Mar 2018 06:51:41 -0500  
**Attachments:** FR Notice for ANPRM.docx (53.32 kB)

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Attached is my current draft. (b) (5)

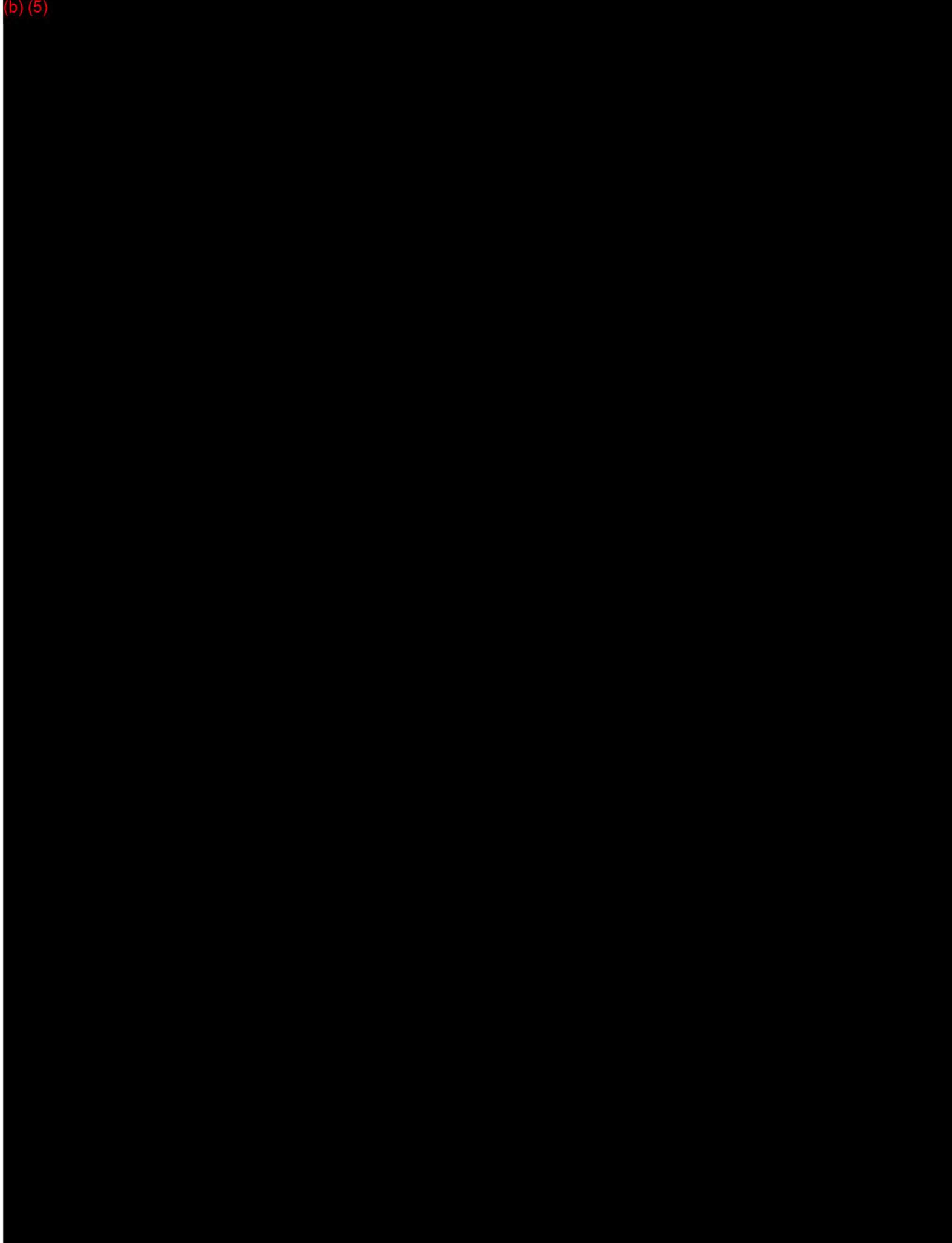
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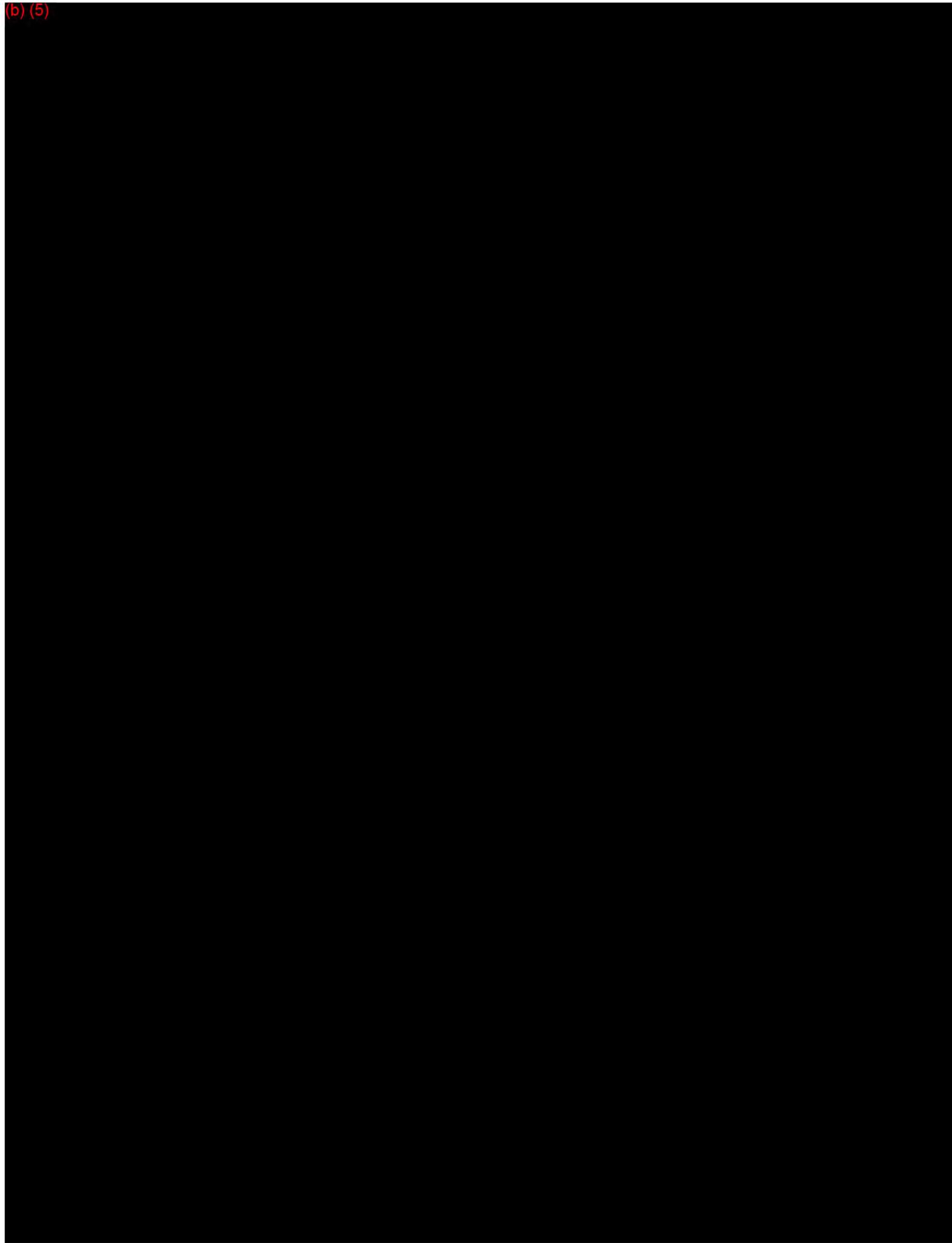
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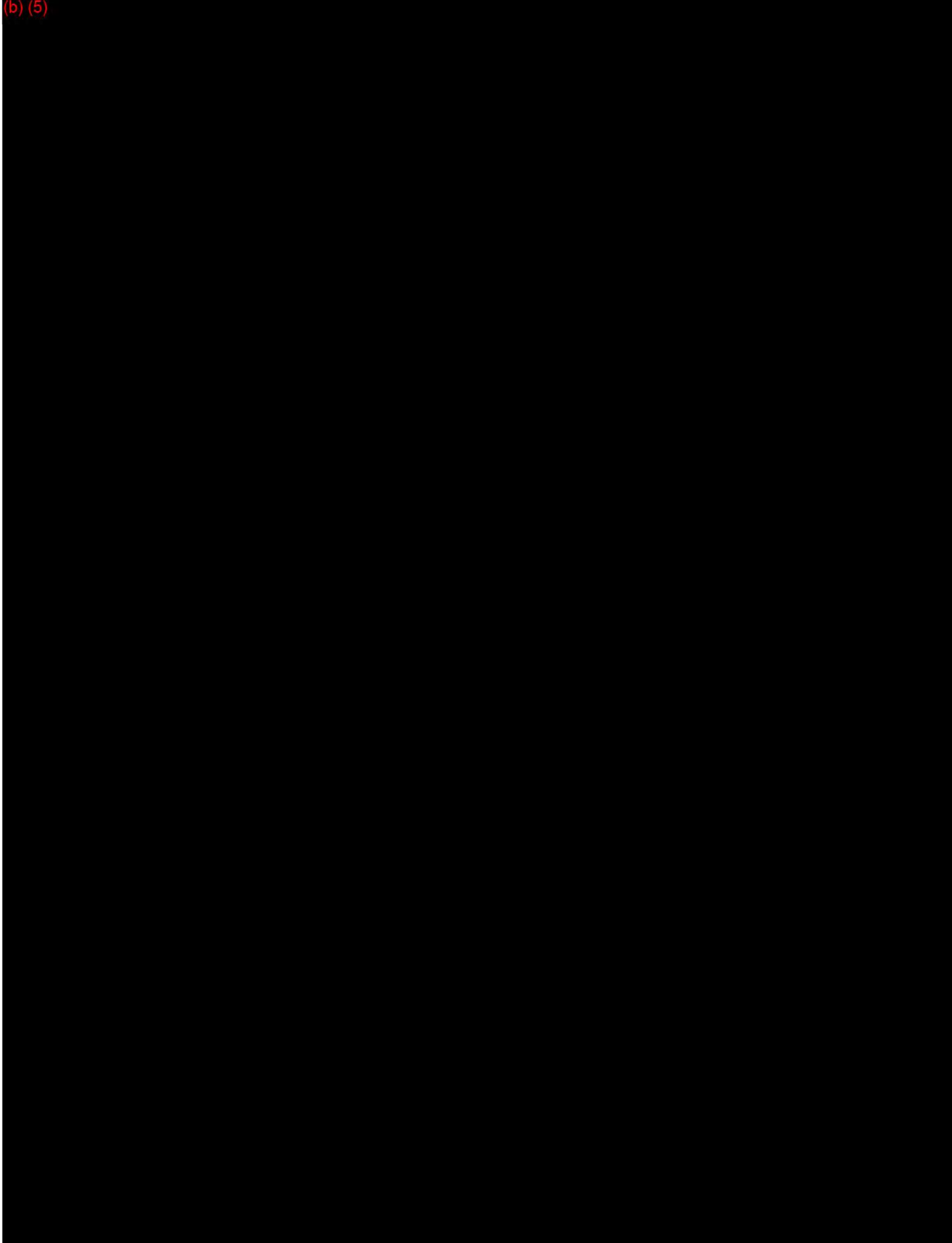
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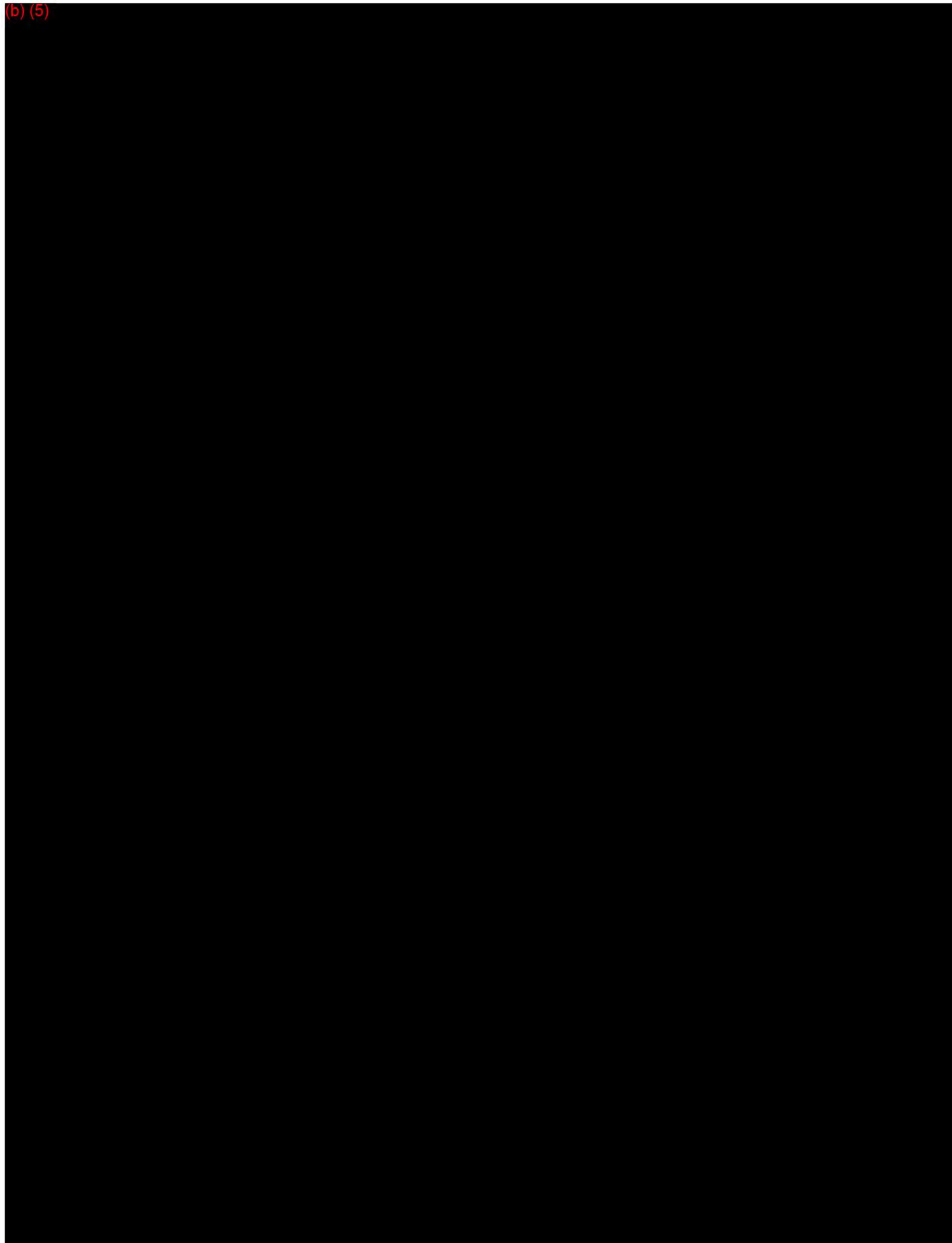
Comments?

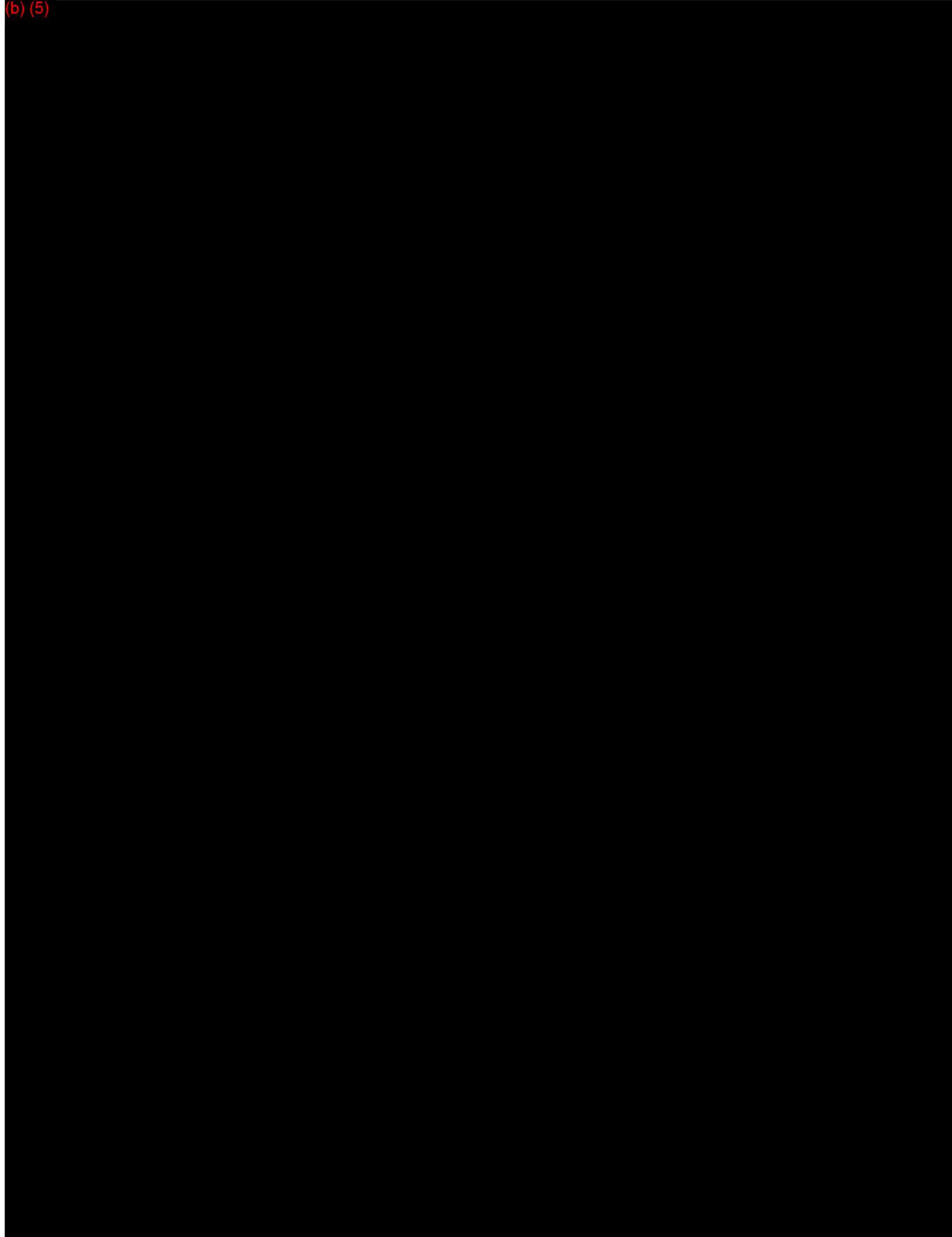
Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

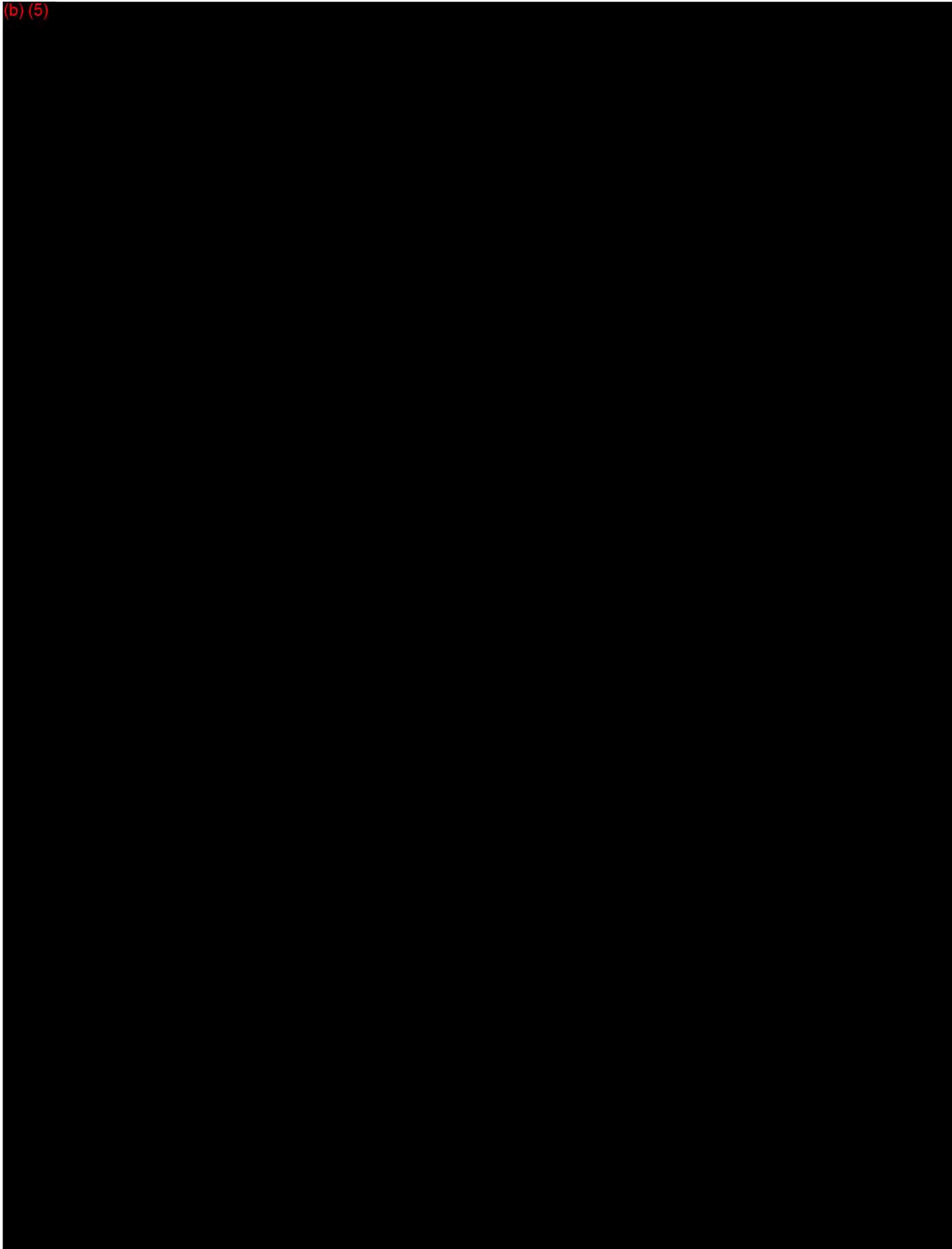


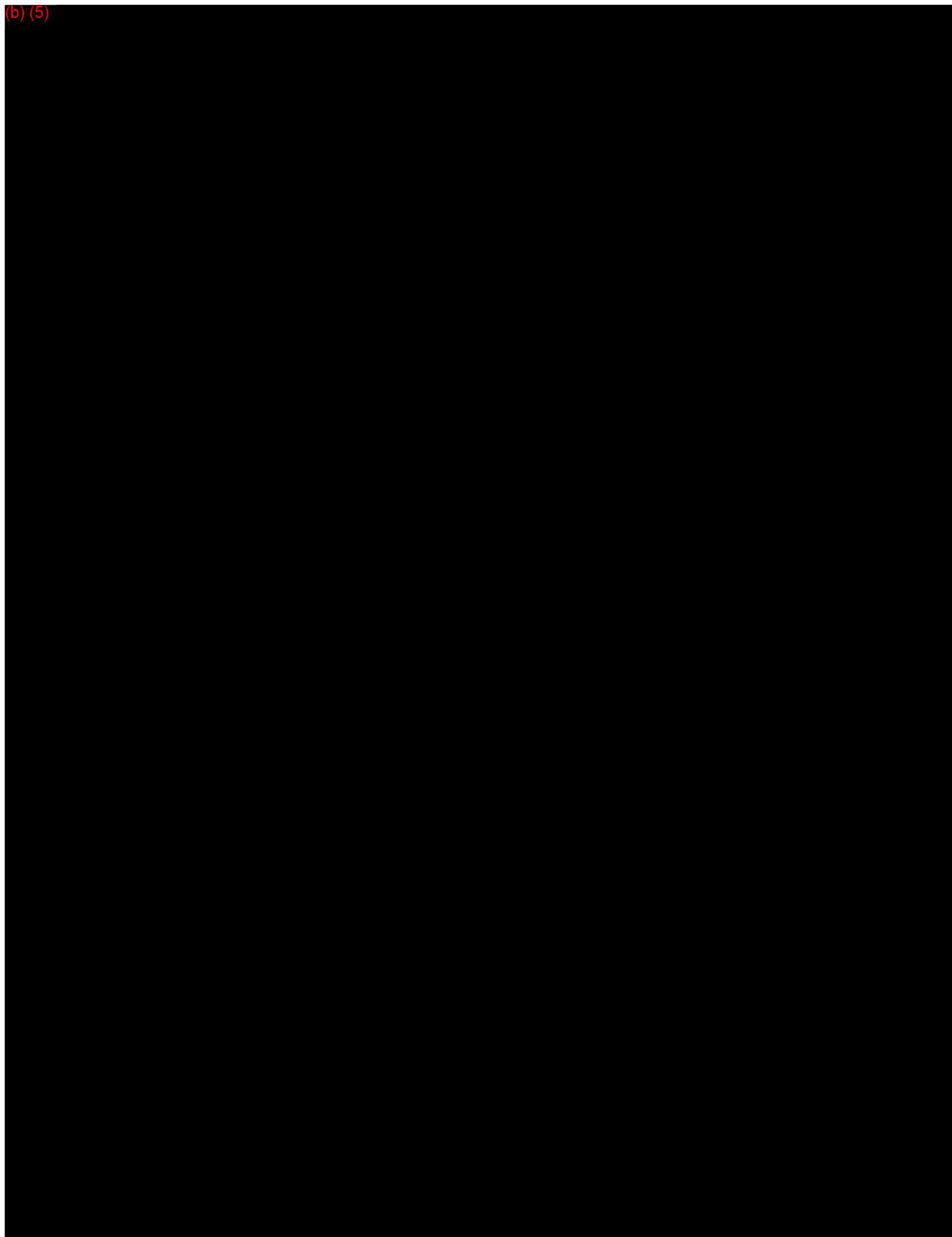


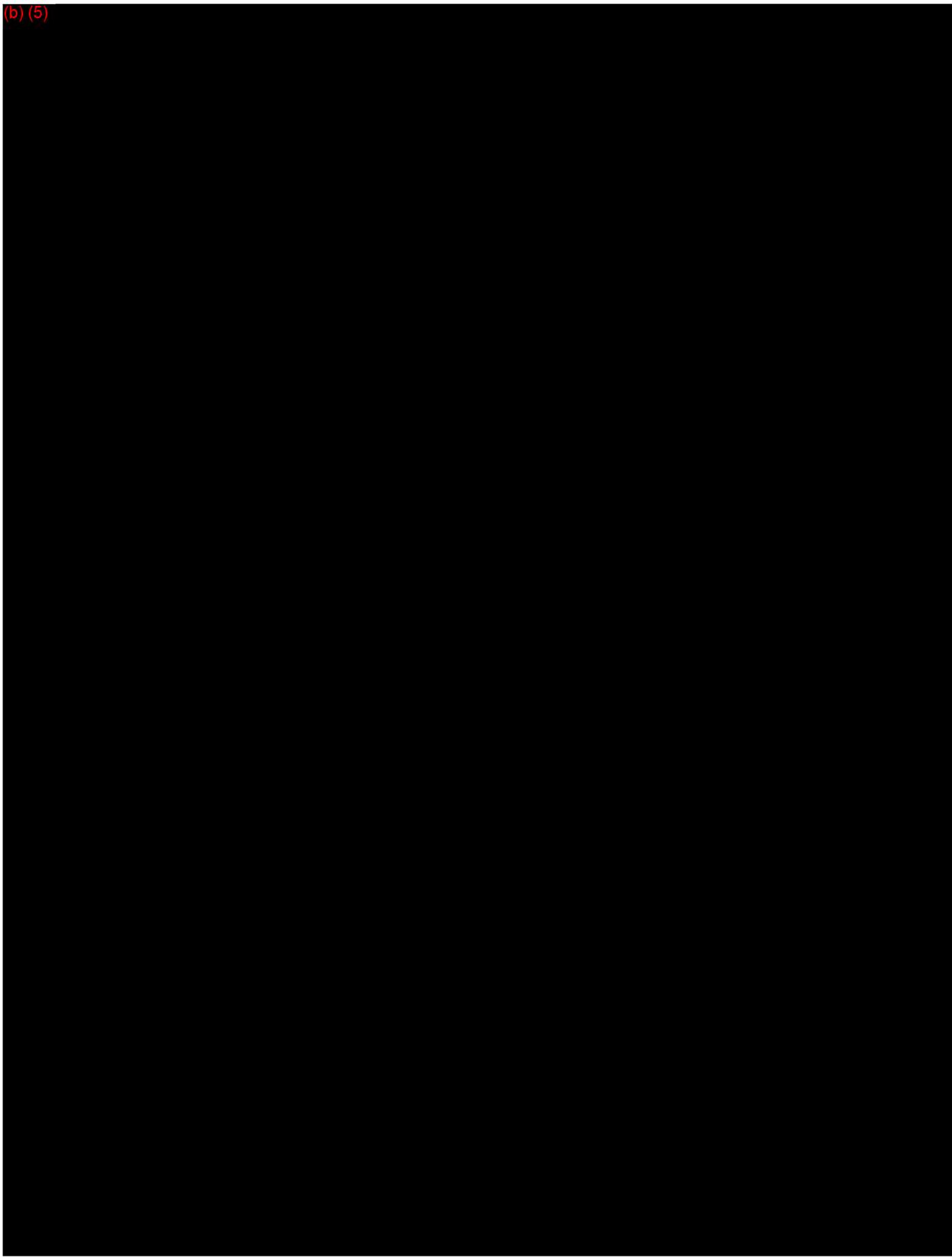


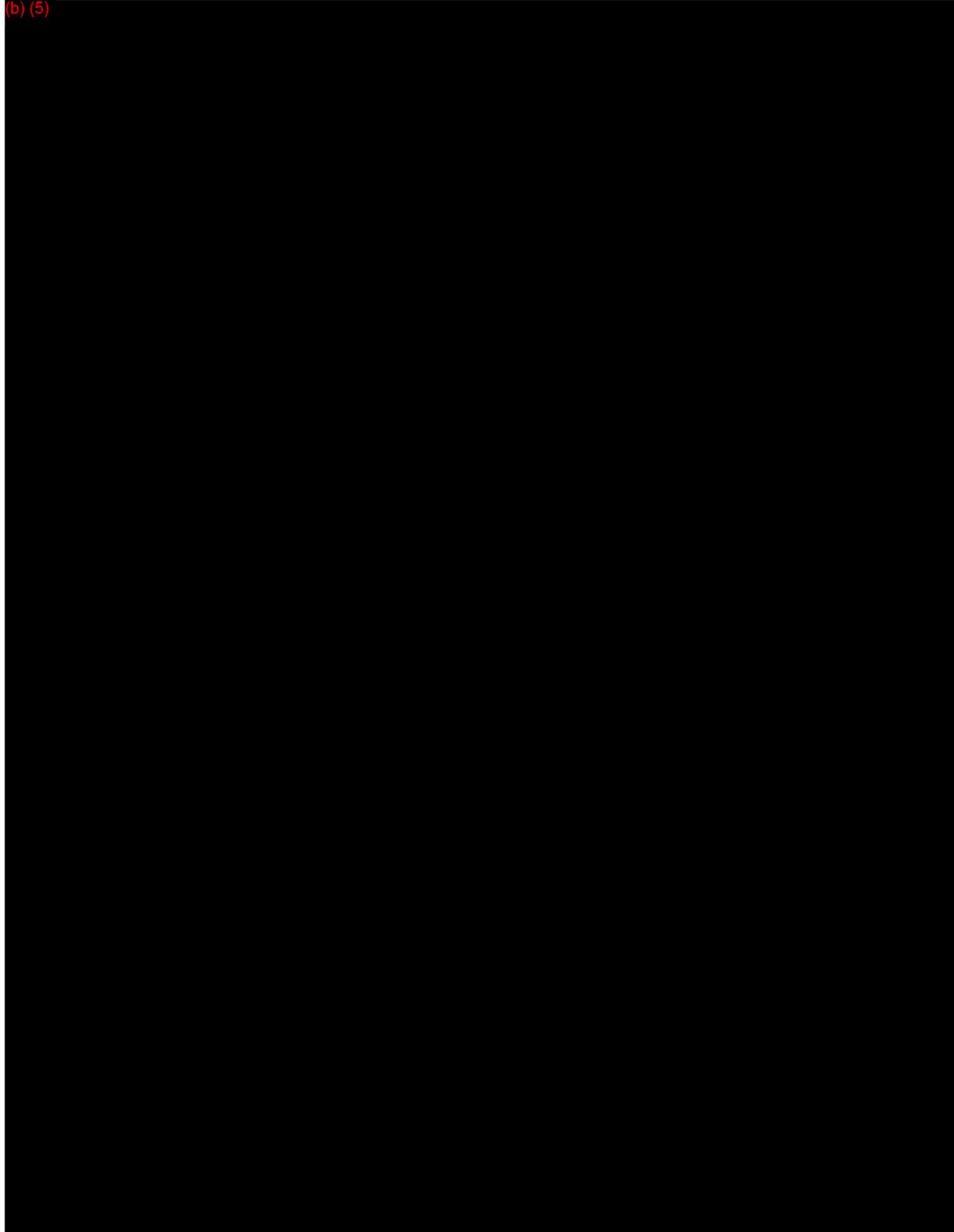


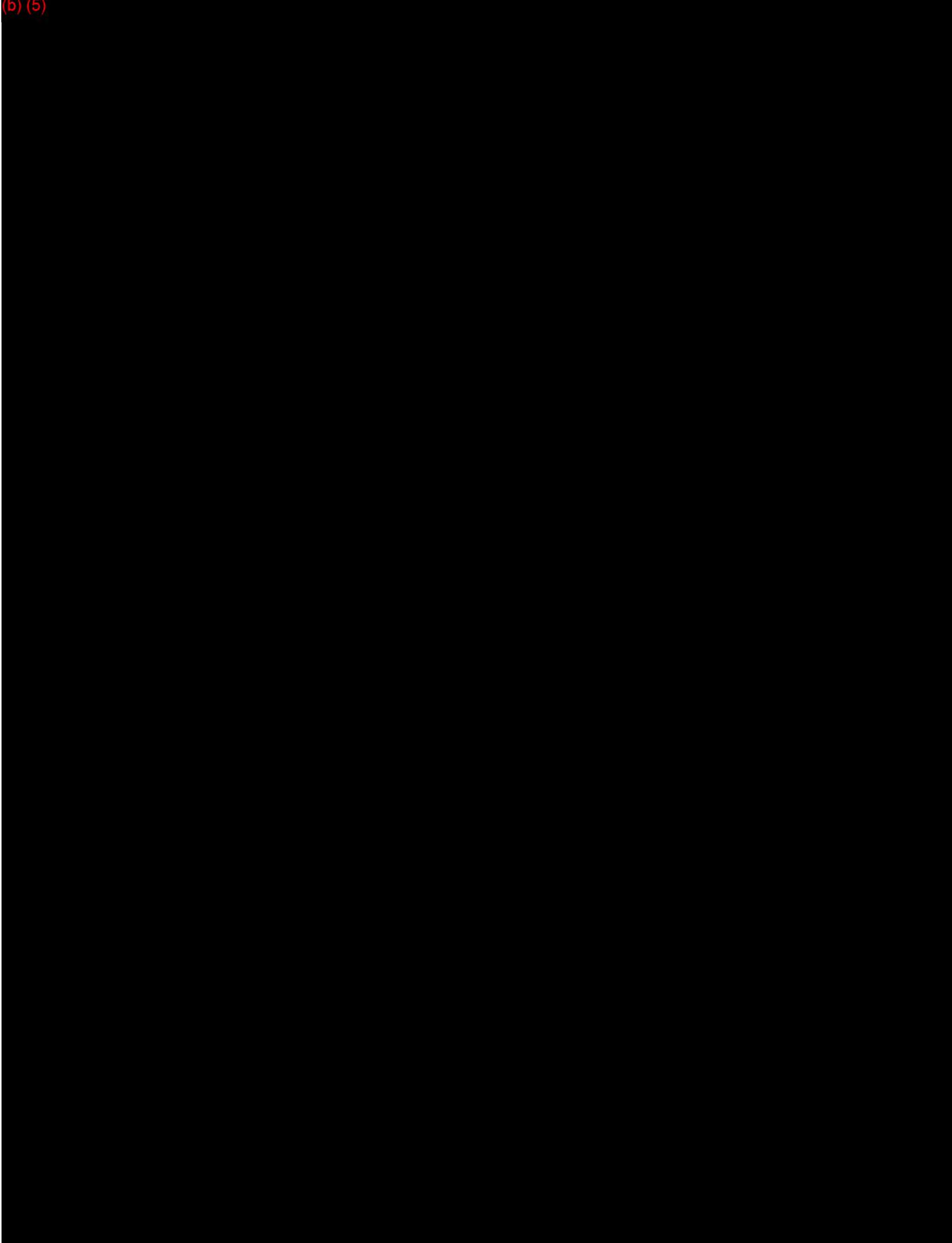


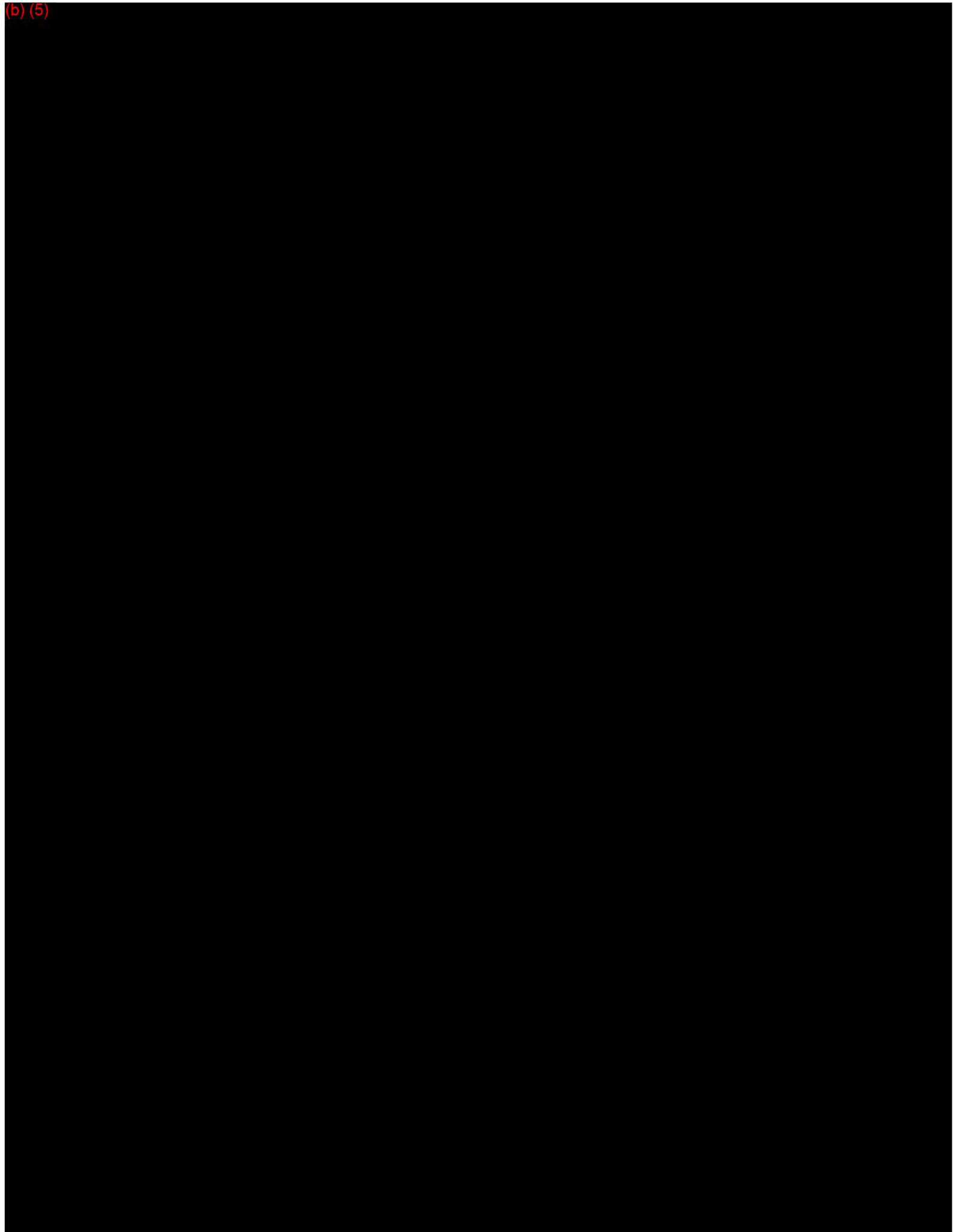












## CEQ Regulatory Agenda

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**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 04 Apr 2018 11:31:09 -0400  
**Attachments:** Original CEQ-0331 Agenda Entries--Spring 2018 (unreviewed).docx (19.59 kB)

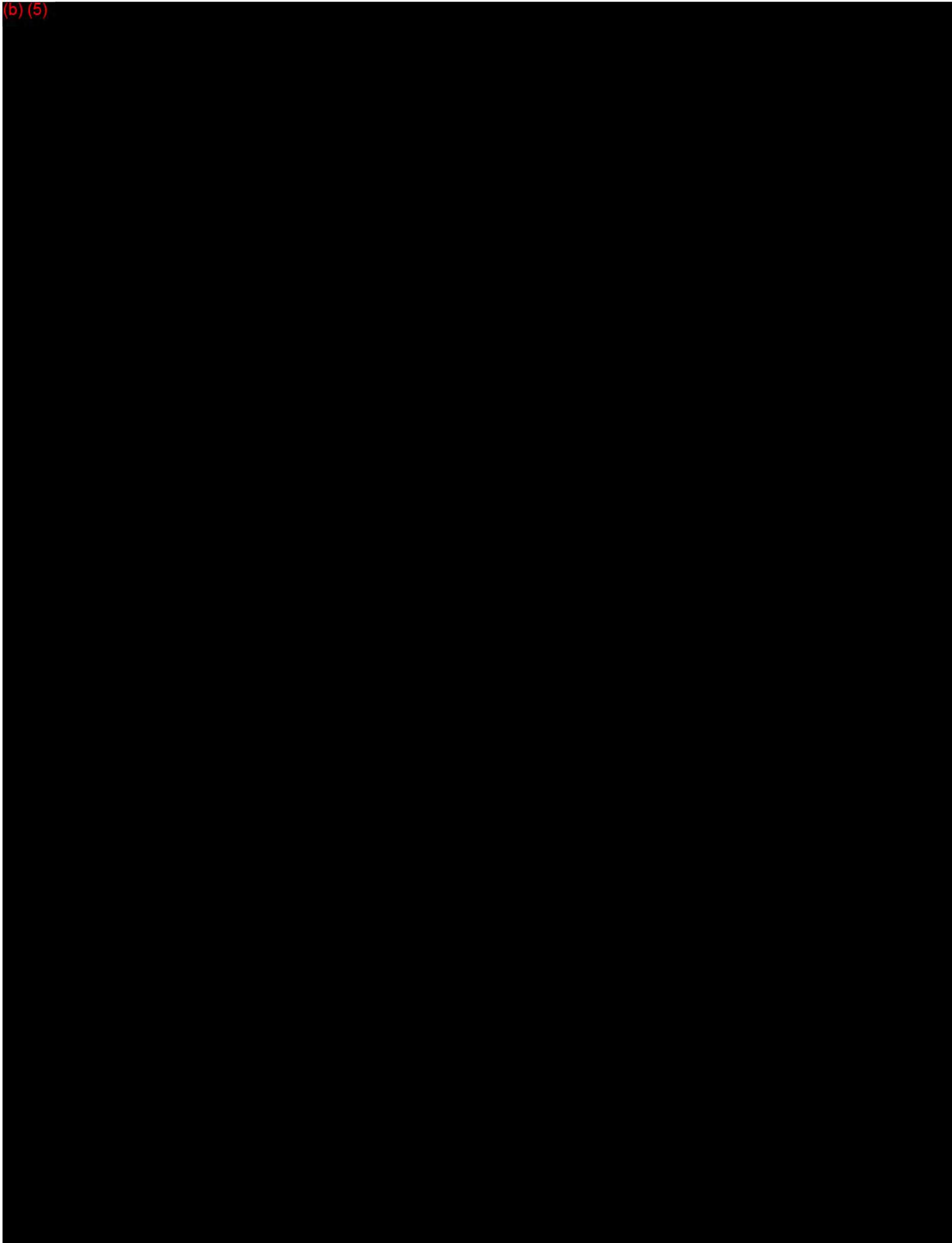
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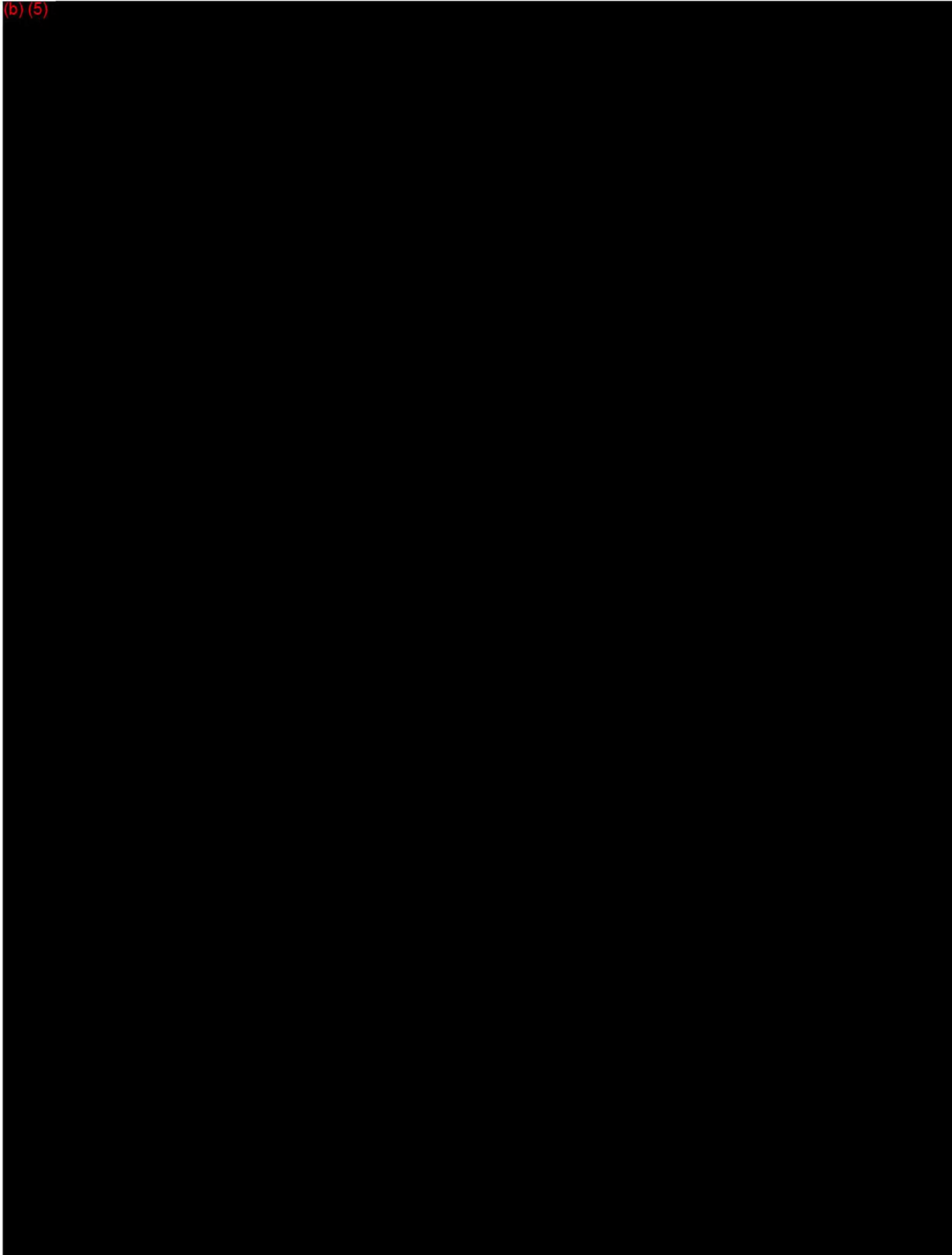
Mary and Viktoria,

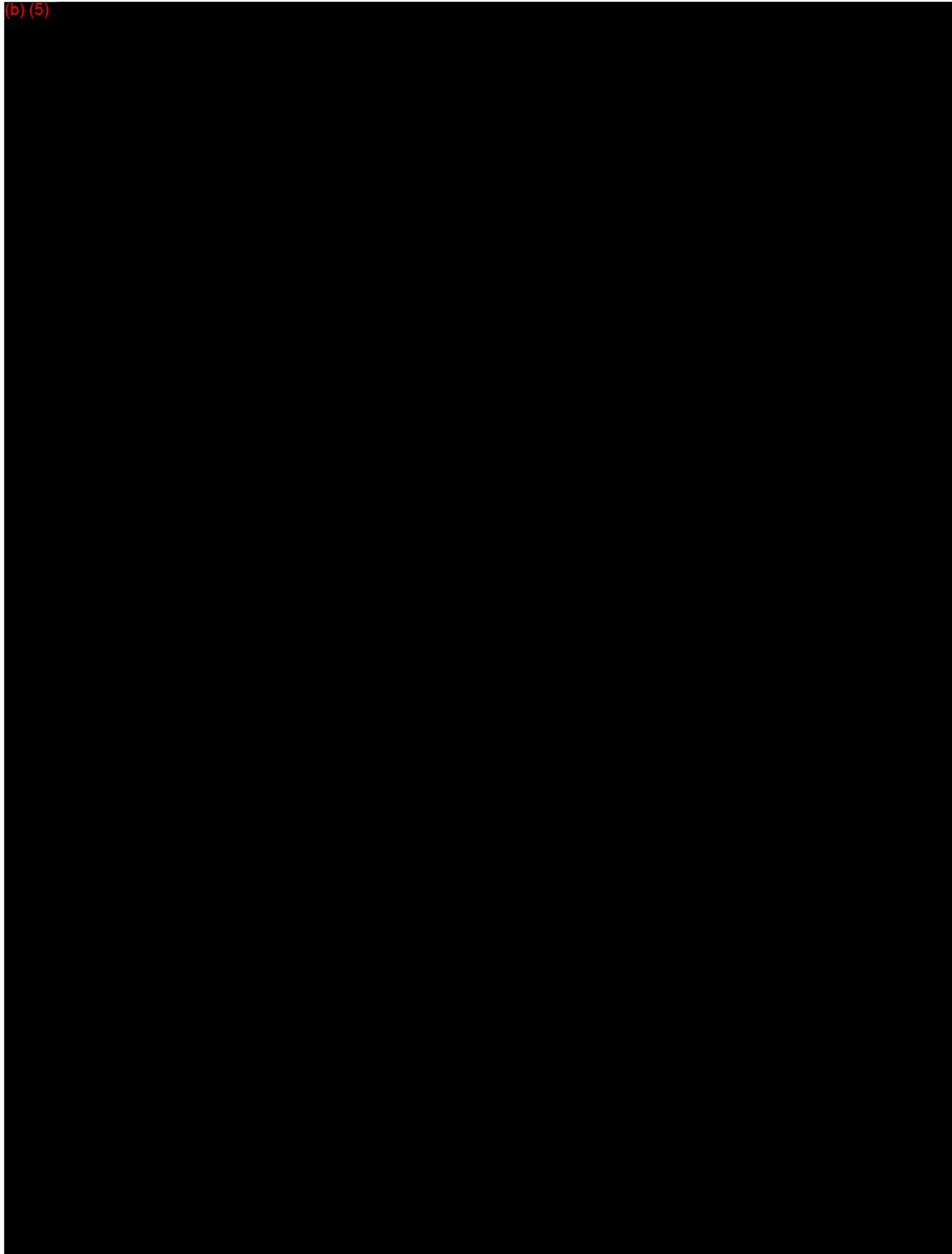
(b) (5)  
(b) (5). I am attaching it as a last check to make sure that there are no other modifications you would like to make.

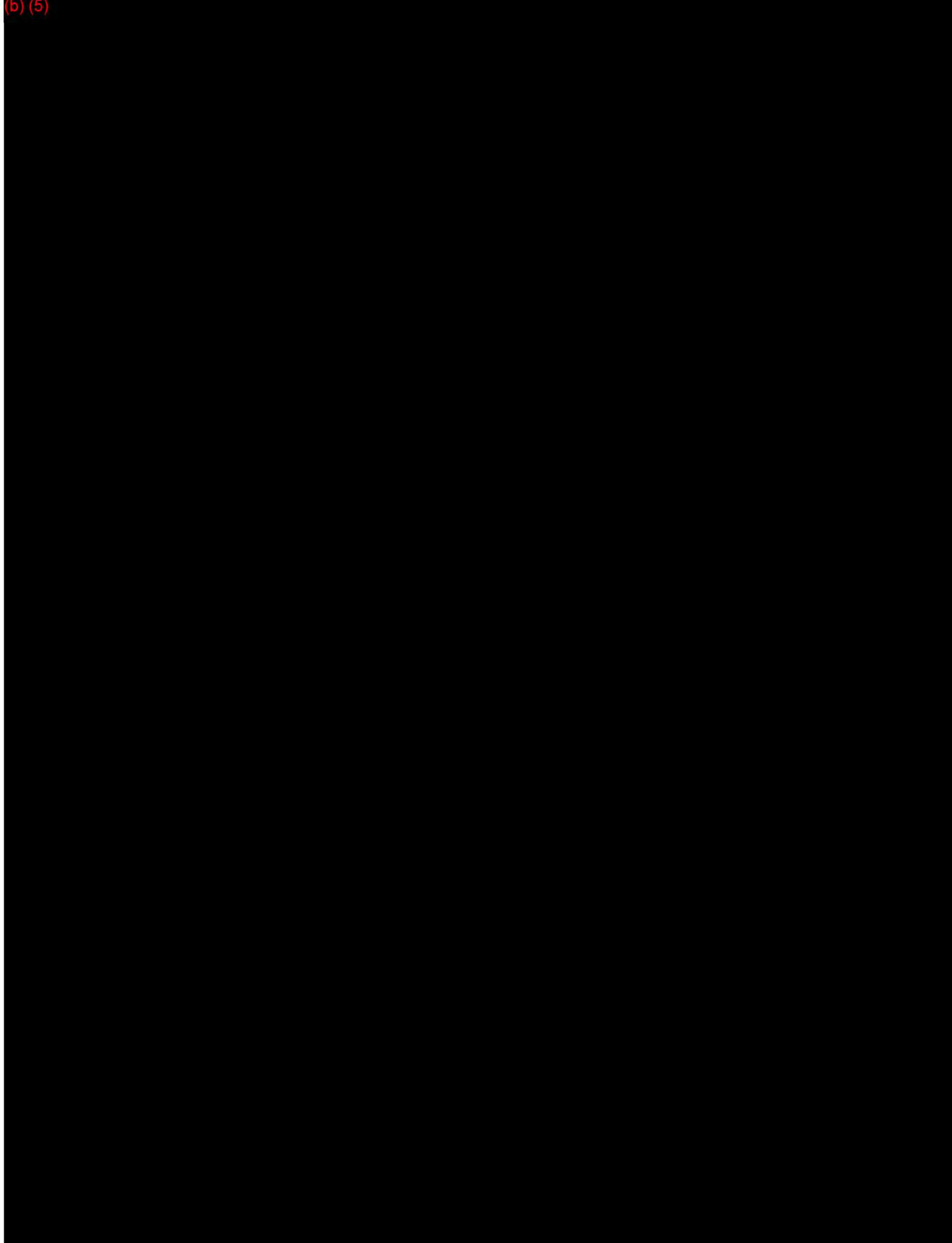
If you can let me know by 4pm today if you have any additional edits, I would greatly appreciate it. If you have no comments, I will upload the final version today.

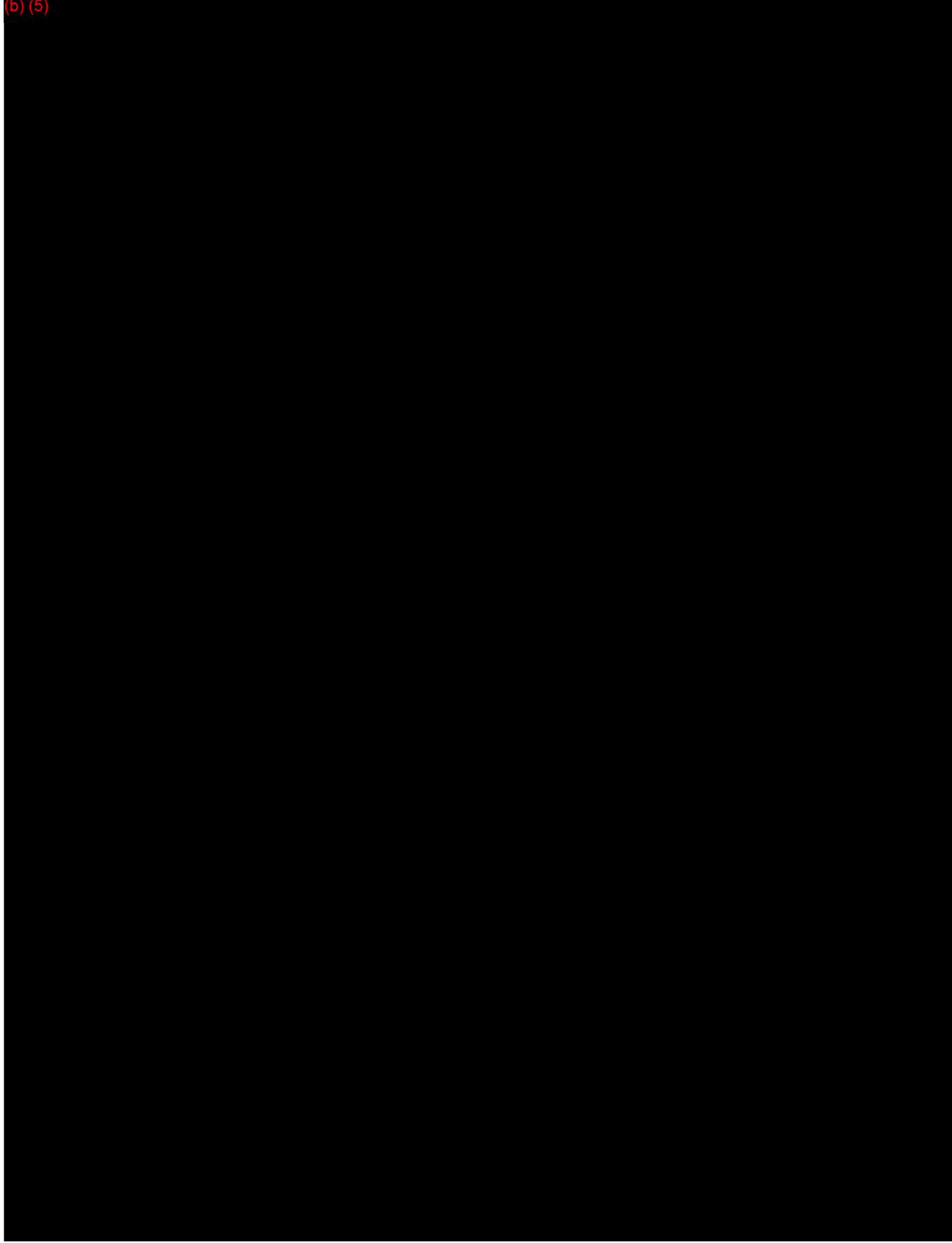
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality  
(b) (6) (Desk)  
(b) (6) (Cell)  
(b) (6)











## RE: Two details in one sentence RE: Revised ANPR

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**From:** "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>  
**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Cc:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 05 Apr 2018 13:33:42 -0400

The April proposed revised guidelines were finalized and published in the FR August 1, 1973

<https://www.gpo.gov/fdsys/pkg/FR-1973-08-01/pdf/FR-1973-08-01.pdf> at page 87 of the pdf.

**From:** Mansoor, Yardena M. EOP/CEQ  
**Sent:** Thursday, April 5, 2018 12:41 PM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Cc:** Drummond, Michael R. EOP/CEQ <(b) (6)>  
**Subject:** Two details in one sentence RE: Revised ANPR

(b) (5)  
[Redacted]

Out of curiosity, I looked for these publications because I had never seen them before. (Are they in our SharePoint drive?)

The guidelines are published in the FR of April 23, 1971.

<https://www.gpo.gov/fdsys/pkg/FR-1971-04-23/pdf/FR-1971-04-23.pdf> at page 82 (its own part 2):

This memorandum provides guidelines to Federal departments, agencies, and establishments for preparing detailed environmental statements ...

(b) (5)  
[Redacted]

<https://www.gpo.gov/fdsys/pkg/FR-1973-05-02/pdf/FR-1973-05-02.pdf> at page 68 of part 2 (you have to scroll down to get there).

The Council on Environmental Quality invites comments and suggestions from interested parties with respect to the following proposed revisions of the Council's

guidelines on the preparation of environmental impact statements ...

\*\*\*\*\*

After consideration of the comments and views of interested parties, the Council will make appropriate revisions and will codify these guidelines in final form in the Code of Federal Regulations, establishing a new chapter 5 to title 40 of that Code.

**From:** Boling, Ted A. EOP/CEQ  
**Sent:** Thursday, April 5, 2018 9:17 AM  
**To:** Loyola, Mario A. EOP/CEQ <(b) (6)> Neumayr, Mary B. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)> Szabo, Aaron L. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ <(b) (6)>  
**Cc:** Mansoor, Yardena M. EOP/CEQ <(b) (6)> Drummond, Michael R. EOP/CEQ <(b) (6)>  
**Subject:** RE: Revised ANPR

Attached are edits from Mary and the NEPA Team. The tracking of changes is attributed to one "author" in this version, but I have hard copies that source the edits.

Best,  
Ted

**From:** Loyola, Mario A. EOP/CEQ  
**Sent:** Monday, April 2, 2018 1:54 PM  
**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)> Szabo, Aaron L. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ <(b) (6)>  
**Subject:** Revised ANPR

Dear Friends – Please see attached a revised draft tracking changes from the draft circulated last Wednesday. Please get back to me with any further changes. Thank you.

Respectfully,

Mario Loyola  
Associate Director, Regulatory Reform

White House Council on Environmental Quality

(o) (b) (6) | (c) (b) (6)

## Interesting Articles on NEPA's History

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**From:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**To:** "Mansoor, Yardena M. EOP/CEQ" <(b) (6)> "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 05 Apr 2018 13:05:50 -0400

ELR 1978 CEQ Proposes Ambitious NEPA Regulations for Comment, Stands Ground Despite Agency Criticism <https://elr.info/sites/default/files/articles/8.10129.htm>

ELR 1989, Bear, NEPA at 19: A Primer on an "Old" Law with Solutions to New Problems [https://www.energy.gov/sites/prod/files/nepapub/nepa\\_documents/RedDont/G-CEQ-DinahBearArticle.pdf](https://www.energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-CEQ-DinahBearArticle.pdf)

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**Sent:** Thursday, April 5, 2018 12:41 PM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Cc:** Drummond, Michael R. EOP/CEQ <(b) (6)>  
**Subject:** Two details in one sentence RE: Revised ANPR

(b) (5)  
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**Cc:** Mansoor, Yardena M. EOP/CEQ <(b) (6)> Drummond, Michael R. EOP/CEQ <(b) (6)>  
**Subject:** RE: Revised ANPR

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**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)> Szabo, Aaron L. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ <(b) (6)>  
**Subject:** Revised ANPR

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Respectfully,

Mario Loyola  
Associate Director, Regulatory Reform  
White House Council on Environmental Quality  
(o) (b) (6) | (c) (b) (6)

## Two details in one sentence RE: Revised ANPR

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From: "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>  
To: "Boling, Ted A. EOP/CEQ" <(b) (6)>  
Cc: "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
Date: Thu, 05 Apr 2018 12:41:27 -0400

(b) (5)

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(b) (5)

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**To:** Loyola, Mario A. EOP/CEQ <(b) (6)> Neumayr, Mary B. EOP/CEQ  
<(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)> Szabo,  
Aaron L. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ  
<(b) (6)>  
**Cc:** Mansoor, Yardena M. EOP/CEQ <(b) (6)> Drummond, Michael R.  
EOP/CEQ <(b) (6)>  
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**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ  
<(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)> Szabo,  
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Dear Friends – Please see attached a revised draft tracking changes from the draft circulated last Wednesday. Please get back to me with any further changes. Thank you.

Respectfully,

Mario Loyola  
Associate Director, Regulatory Reform  
White House Council on Environmental Quality  
(o) (b) (6) | (c) (b) (6)

## CEQ NEPA ANPRM

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**From:** "Szabo, Aaron L. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=f93a8d1dd2b4420ca81e53ff8199b780-sz">  
**To:** "David Bernhardt (b) (6) [REDACTED] ios.doi.gov)" <(b) (6) [REDACTED] ios.doi.gov>  
**Date:** Mon, 07 May 2018 18:10:22 -0400  
**Attachments:** EO12866 Review CEQ NEPA ANPRM - 5-07-2018.docx (47.71 kB)

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Hey David,

This was sent over to DOI on Monday. According to the email I received, comments are due to OIRA by COB Mary 14<sup>th</sup>.

Thanks.

**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality

(b) (6) [REDACTED] (Desk)

(b) (6) [REDACTED] (Cell)

(b) (6) [REDACTED]

**COUNCIL ON ENVIRONMENTAL QUALITY**

**40 CFR Parts 1500-1508**

**[Docket No. CEQ-2018-0001]**

**RIN: 0331-AA03**

**Update to the Regulations for Implementing the Procedural Provisions of the  
National Environmental Policy Act**

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

**DATES:** Comments should be submitted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number CEQ-2018-0001 through the Federal eRulemaking portal at [REDACTED]. Follow the online instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ted Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place, N.W, Washington, DC 20503. Telephone: (202) 395-5750.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq., was enacted in 1970. NEPA states that “it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” 42 U.S.C. § 4331(a). NEPA also established CEQ as an agency within the Executive Office of the President. 42 U.S.C. § 4342.

By Executive Order (E.O.) 11514, “Protection and Enhancement of Environmental Quality” (March 5, 1970), President Nixon directed CEQ in Section 3(h) to issue “guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required

by section 102(2)(C) of the Act.” CEQ published these guidelines in April of 1970 and revised them in 1973.

President Carter issued E.O. 11991 (May 24, 1977), “Relating to Protection and Enhancement of Environmental Quality,” which amended Section 3(h) of E.O. 11514 to direct CEQ to issue regulations providing uniform standards for the implementation of NEPA, and amended Section 2 of E.O. 11514 to require agency compliance with the CEQ regulations. The revised Section 3(h) included specific direction on the process and goals of this rulemaking process:

Such regulations shall be developed after consultation with affected agencies and after such public hearings as may be appropriate. They will be designed to make the environmental impact statement process more useful to decisionmakers and the public; and to reduce paperwork and the accumulation of extraneous background data, in order to emphasize the need to focus on real environmental issues and alternatives. They will require impact statements to be concise, clear, and to the point, and supported by evidence that agencies have made the necessary environmental analyses. The Council shall include in its regulations procedures (1) for the early preparation of environmental impact statements, and (2) for the referral to the Council of conflicts between agencies concerning the implementation of the National Environmental Policy Act of 1969, as amended, and Section 309 of the Clean Air Act, as amended, for the Council's recommendation as to their prompt resolution.

CEQ promulgated its “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” (CEQ’s NEPA regulations) at 40 CFR parts 1500-1508. 43 FR 55978 (November 29, 1978). Since that time, CEQ has amended its NEPA regulations only once, to eliminate the “worst case” analysis requirement of 40 CFR 1502.22. 51 FR 15618 (April 25, 1986).

On August 15, 2017, President Trump issued E.O. 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.” 82 FR 40463 (August 24, 2017). Section 5(e) of E.O. 13807

directed CEQ to develop an initial list of actions to enhance and modernize the Federal environmental review and authorization process. The E.O. stated:

Such actions should include issuing such regulations, guidance, and directives as CEQ may deem necessary to:

- (A) ensure optimal interagency coordination of environmental review and authorization decisions, including by providing for an expanded role and authorities for lead agencies, more clearly defined responsibilities for cooperating and participating agencies, and Government-wide applicability of NEPA decisions and analyses;
- (B) ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient;
- (C) provide for agency use, to the maximum extent permitted by law, of environmental studies, analysis, and decisions conducted in support of earlier Federal, State, tribal, or local environmental reviews or authorization decisions; and
- (D) ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, including by using CEQ's authority to interpret NEPA to simplify and accelerate the NEPA review process.

In response, CEQ published its initial list of actions pursuant to E.O. 13807 and stated that it intends to review its existing NEPA regulations in order to identify changes needed to update and clarify these regulations. 82 FR 43226 (September 14, 2017).

## **II. Request for Comment**

CEQ requests comments on potential revisions to update and clarify CEQ NEPA regulations. In particular, CEQ requests comments on the following specific aspects of these regulations, and requests that commenters include question numbers when providing responses. Where possible, please provide specific recommendations on additions, deletions, and modifications to the text of CEQ's NEPA regulations and their justifications.

### ***NEPA Process:***

1. Should CEQ's NEPA regulations be revised to ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?
2. Should CEQ's NEPA regulations be revised to make the NEPA process more efficient by facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?
3. Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

### ***Scope of NEPA Review:***

4. Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?

5. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?
6. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised, and if so, how?
  - a. Major Federal Action;
  - b. Effects;
  - c. Cumulative Impact;
  - d. Significantly;
  - e. Scope; and
  - f. Other NEPA terms.
7. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?
  - a. Alternatives;
  - b. Purpose and Need;
  - c. Reasonably Foreseeable;
  - d. Trivial Violation; and
  - e. Other NEPA terms.
8. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?
  - a. Categorical Exclusions;
  - b. Environmental Assessments;
  - c. Findings of No Significant Impact;
  - d. Environmental Impact Statements;

- e. Records of Decision; and
  - f. Supplements.
9. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?
  10. Should the provisions in CEQ's NEPA regulations related to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?
  11. Should the provisions in CEQ's NEPA regulations related to programmatic NEPA documents and tiering be revised, and if so, how?
  12. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

**General:**

13. Which provisions of the regulations are currently obsolete? If any, please provide specific recommendations on whether they should be modified, rescinded, or replaced.
14. Are there additional ways CEQ's NEPA regulations should be revised to promote interagency coordination of environmental review and authorization decisions, and if so, how?
15. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the NEPA process in implementing NEPA, and if so, how?

16. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, and if so, how?
17. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

(Authority: 42 U.S.C. 4332, 4342, 4344 and 40 CFR Parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508)

### **III. Statutory and Executive Order Reviews**

Under E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993), this is a "significant regulatory action." Accordingly, CEQ submitted this action to the Office of Management and Budget (OMB) for review under E.O. 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, and instead seeks comments and suggestions for CEQ to consider in possibly developing a subsequent proposed rule, the various statutes and executive orders that normally apply to rulemaking do not apply in this case. If CEQ decides in the future to pursue a rulemaking, CEQ will address the statutes and executive orders applicable to that rulemaking at that time.

Dated: [Month] \_\_\_\_, 2018.

Mary Neumayr,

*Chief of Staff, Council on Environmental Quality.*

## FW: Review of CEQ NEPA Procedural Provisions Pre-rule - comments due Friday (05/11)

---

**From:** "Tomiak, Robert" <tomiak.robert@epa.gov>  
**To:** "Boling, Ted A. EOP/CEQ" (b) (6)  
**Cc:** "Knight, Kelly" <knight.kelly@epa.gov>  
**Date:** Thu, 10 May 2018 15:47:13 -0400  
**Attachments:** EO12866 Review CEQ NEPA ANPRM - 5-07-2018 w line numbers.docx (47.69 KB)

---

Ted,

(b) (5)

Thanks, Rob

**From:** "Whiteman, Chad S. EOP/OMB" (b) (6)  
<mailto:(b) (6)>  
**Date:** May 7, 2018 at 1:09:51 PM EDT  
**To:** "david.rostker@sba.gov <mailto:david.rostker@sba.gov>" <david.rostker@sba.gov  
<mailto:david.rostker@sba.gov>>, "Prianka.Sharma@sba.gov <mailto:Prianka.Sharma@sba.gov>"  
<mailto:Prianka.Sharma@sba.gov <mailto:Prianka.Sharma@sba.gov>>, "robert.hinchman@usdoj.gov  
<mailto:robert.hinchman@usdoj.gov>" <robert.hinchman@usdoj.gov <mailto:robert.hinchman@usdoj.gov>>, "Eric.T.Gormsen@usdoj.gov <mailto:Eric.T.Gormsen@usdoj.gov>" <Eric.T.Gormsen@usdoj.gov  
<mailto:Eric.T.Gormsen@usdoj.gov>>, "Kevin.R.Jones@usdoj.gov <mailto:Kevin.R.Jones@usdoj.gov>"  
<Kevin.R.Jones@usdoj.gov <mailto:Kevin.R.Jones@usdoj.gov>>, "Wendy.Miller@usdoj.gov  
<mailto:Wendy.Miller@usdoj.gov>" <Wendy.Miller@usdoj.gov <mailto:Wendy.Miller@usdoj.gov>>, "christina.mcdonald@hq.dhs.gov <mailto:christina.mcdonald@hq.dhs.gov>" <christina.mcdonald@hq.dhs.gov  
<mailto:christina.mcdonald@hq.dhs.gov>>, "DHSOGCRegulations@hq.dhs.gov  
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<mailto:chacla.smith@navy.mil> " <chacla.smith@navy.mil <mailto:chacla.smith@navy.mil> >, "Megan\_Feeney@ios.doi.gov <mailto:Megan\_Feeney@ios.doi.gov> " <Megan\_Feeney@ios.doi.gov <mailto:Megan\_Feeney@ios.doi.gov> >, "mark\_lawyer@ios.doi.gov <mailto:mark\_lawyer@ios.doi.gov> " <mark\_lawyer@ios.doi.gov <mailto:mark\_lawyer@ios.doi.gov> >, "cjz@obpa.usda.gov <mailto:cjz@obpa.usda.gov> " <cjz@obpa.usda.gov <mailto:cjz@obpa.usda.gov> >, "usdareg@obpa.usda.gov <mailto:usdareg@obpa.usda.gov> " <usdareg@obpa.usda.gov <mailto:usdareg@obpa.usda.gov> >, "amathew@doc.gov <mailto:amathew@doc.gov> " <amathew@doc.gov <mailto:amathew@doc.gov> >, "kBrown@doc.gov <mailto:kBrown@doc.gov> " <kBrown@doc.gov <mailto:kBrown@doc.gov> >, "gc-71energyregs@hq.doe.gov <mailto:gc-71energyregs@hq.doe.gov> " <gc-71energyregs@hq.doe.gov <mailto:gc-71energyregs@hq.doe.gov> >, "Daniel.Cohen@hq.doe.gov <mailto:Daniel.Cohen@hq.doe.gov> " <Daniel.Cohen@hq.doe.gov <mailto:Daniel.Cohen@hq.doe.gov> >, "Elizabeth.Kohl@hq.doe.gov <mailto:Elizabeth.Kohl@hq.doe.gov> " <Elizabeth.Kohl@hq.doe.gov <mailto:Elizabeth.Kohl@hq.doe.gov> >, "franks.kathleen@dol.gov <mailto:franks.kathleen@dol.gov> " <franks.kathleen@dol.gov <mailto:franks.kathleen@dol.gov> >, "DOLRegPolicy@DOL.gov <mailto:DOLRegPolicy@DOL.gov> " <DOLRegPolicy@DOL.gov <mailto:DOLRegPolicy@DOL.gov> >, "LongLJ@state.gov <mailto:LongLJ@state.gov> " <LongLJ@state.gov <mailto:LongLJ@state.gov> >, "PeckhamYM@state.gov <mailto:PeckhamYM@state.gov> " <PeckhamYM@state.gov <mailto:PeckhamYM@state.gov> >, "HHSExecSec@hhs.gov <mailto:HHSExecSec@hhs.gov> " <HHSExecSec@hhs.gov <mailto:HHSExecSec@hhs.gov> >, "heidi.cohen@do.treas.gov <mailto:heidi.cohen@do.treas.gov> " <heidi.cohen@do.treas.gov <mailto:heidi.cohen@do.treas.gov> >, "hanoi.veras@treasury.gov <mailto:hanoi.veras@treasury.gov> " <hanoi.veras@treasury.gov <mailto:hanoi.veras@treasury.gov> >, "christian.furey@treasury.gov <mailto:christian.furey@treasury.gov> " <christian.furey@treasury.gov <mailto:christian.furey@treasury.gov> >, "leigh.pomponio@nasa.gov <mailto:leigh.pomponio@nasa.gov> " <leigh.pomponio@nasa.gov <mailto:leigh.pomponio@nasa.gov> >, "nanette.jennings@nasa.gov <mailto:nanette.jennings@nasa.gov> " <nanette.jennings@nasa.gov <mailto:nanette.jennings@nasa.gov> >, "cheryl.e.parker@nasa.gov <mailto:cheryl.e.parker@nasa.gov> " <cheryl.e.parker@nasa.gov <mailto:cheryl.e.parker@nasa.gov> >, "christopher.m.page20.civ@mail.mil <mailto:christopher.m.page20.civ@mail.mil> " <christopher.m.page20.civ@mail.mil <mailto:christopher.m.page20.civ@mail.mil> >, "gaspencer@tva.gov <mailto:gaspencer@tva.gov> " <gaspencer@tva.gov <mailto:gaspencer@tva.gov> >, "Carol.Gallagher@nrc.gov <mailto:Carol.Gallagher@nrc.gov> " <Carol.Gallagher@nrc.gov <mailto:Carol.Gallagher@nrc.gov> >, "Cindy.Bladey@nrc.gov <mailto:Cindy.Bladey@nrc.gov> " <Cindy.Bladey@nrc.gov <mailto:Cindy.Bladey@nrc.gov> >

Subject: EO 12866 Review of CEQ NEPA Procedural Provisions Prerule - comments due COB on 5/14

All,

Please review and send to me any EO 12866 comments on the Council on Environmental Quality (CEQ) advanced notice of proposed rulemaking, "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," (RIN 0331-AA03) by 5pm on Monday, May 14th.

As a reminder, the attached materials are deliberative and pre-decisional while under OMB review and may not be shared or discussed with anyone outside of the Executive Branch. If there are other agencies within the federal government that you believe should review the rule, please let me know so that I can send the rule to them and add them to my distribution list so that they will receive future communications/versions of the rule.

Summary: CEQ is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations only once. Given the length of time since its NEPA implementing regulations were issued, CEQ is soliciting public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

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If you have questions or would like to discuss any aspect of the final rule, please feel free to contact me.

Thank you,

Chad

Chad Whiteman

Natural Resources and Environment Branch | Office of Information and Regulatory Affairs

Office of Management and Budget | Executive Office of the President

202-395-4718

(b) (6) <mailto:(b) (6)>

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**COUNCIL ON ENVIRONMENTAL QUALITY**

**40 CFR Parts 1500-1508**

**[Docket No. CEQ-2018-0001]**

**RIN: 0331-AA03**

**Update to the Regulations for Implementing the Procedural Provisions of the  
National Environmental Policy Act**

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

**DATES:** Comments should be submitted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

22 **ADDRESSES:** Submit your comments, identified by docket identification (ID) number  
23 CEQ-2018-0001 through the Federal eRulemaking portal at [REDACTED]  
24 Follow the online instructions for submitting comments.

25

26 **FOR FURTHER INFORMATION CONTACT:** Ted Boling, Associate Director for  
27 the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson  
28 Place, N.W, Washington, DC 20503. Telephone: (202) 395-5750.

29

30 **SUPPLEMENTARY INFORMATION:**

31 **I. Background**

32 The National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq., was  
33 enacted in 1970. NEPA states that “it is the continuing policy of the Federal  
34 Government, in cooperation with State and local governments, and other concerned  
35 public and private organizations, to use all practicable means and measures, including  
36 financial and technical assistance, in a manner calculated to foster and promote the  
37 general welfare, to create and maintain conditions under which man and nature can exist  
38 in productive harmony, and fulfill the social, economic, and other requirements of present  
39 and future generations of Americans.” 42 U.S.C. § 4331(a). NEPA also established CEQ  
40 as an agency within the Executive Office of the President. 42 U.S.C. § 4342.

41 By Executive Order (E.O.) 11514, “Protection and Enhancement of  
42 Environmental Quality” (March 5, 1970), President Nixon directed CEQ in Section 3(h)  
43 to issue “guidelines to Federal agencies for the preparation of detailed statements on  
44 proposals for legislation and other Federal actions affecting the environment, as required

45 by section 102(2)(C) of the Act.” CEQ published these guidelines in April of 1970 and  
46 revised them in 1973.

47 President Carter issued E.O. 11991 (May 24, 1977), “Relating to Protection and  
48 Enhancement of Environmental Quality,” which amended Section 3(h) of E.O. 11514 to  
49 direct CEQ to issue regulations providing uniform standards for the implementation of  
50 NEPA, and amended Section 2 of E.O. 11514 to require agency compliance with the  
51 CEQ regulations. The revised Section 3(h) included specific direction on the process and  
52 goals of this rulemaking process:

53 Such regulations shall be developed after consultation with affected agencies and  
54 after such public hearings as may be appropriate. They will be designed to make  
55 the environmental impact statement process more useful to decisionmakers and  
56 the public; and to reduce paperwork and the accumulation of extraneous  
57 background data, in order to emphasize the need to focus on real environmental  
58 issues and alternatives. They will require impact statements to be concise, clear,  
59 and to the point, and supported by evidence that agencies have made the  
60 necessary environmental analyses. The Council shall include in its regulations  
61 procedures (1) for the early preparation of environmental impact statements, and  
62 (2) for the referral to the Council of conflicts between agencies concerning the  
63 implementation of the National Environmental Policy Act of 1969, as amended,  
64 and Section 309 of the Clean Air Act, as amended, for the Council's  
65 recommendation as to their prompt resolution.

66  
67 CEQ promulgated its “Regulations for Implementing the Procedural Provisions of  
68 the National Environmental Policy Act” (CEQ’s NEPA regulations) at 40 CFR parts  
69 1500-1508. 43 FR 55978 (November 29, 1978). Since that time, CEQ has amended its  
70 NEPA regulations only once, to eliminate the “worst case” analysis requirement of 40  
71 CFR 1502.22. 51 FR 15618 (April 25, 1986).

72 On August 15, 2017, President Trump issued E.O. 13807, “Establishing  
73 Discipline and Accountability in the Environmental Review and Permitting Process for  
74 Infrastructure Projects.” 82 FR 40463 (August 24, 2017). Section 5(e) of E.O. 13807

75 directed CEQ to develop an initial list of actions to enhance and modernize the Federal  
76 environmental review and authorization process. The E.O. stated:

77 Such actions should include issuing such regulations, guidance, and directives as  
78 CEQ may deem necessary to:

- 79
- 80 (A) ensure optimal interagency coordination of environmental review and  
81 authorization decisions, including by providing for an expanded role and  
82 authorities for lead agencies, more clearly defined responsibilities for  
83 cooperating and participating agencies, and Government-wide applicability of  
84 NEPA decisions and analyses;
- 85
- 86 (B) ensure that environmental reviews and authorization decisions involving  
87 multiple agencies are conducted in a manner that is concurrent, synchronized,  
88 timely, and efficient;
- 89
- 90 (C) provide for agency use, to the maximum extent permitted by law, of  
91 environmental studies, analysis, and decisions conducted in support of earlier  
92 Federal, State, tribal, or local environmental reviews or authorization  
93 decisions; and
- 94
- 95 (D) ensure that agencies apply NEPA in a manner that reduces unnecessary  
96 burdens and delays as much as possible, including by using CEQ's authority  
97 to interpret NEPA to simplify and accelerate the NEPA review process.
- 98

99 In response, CEQ published its initial list of actions pursuant to E.O. 13807 and  
100 stated that it intends to review its existing NEPA regulations in order to identify changes  
101 needed to update and clarify these regulations. 82 FR 43226 (September 14, 2017).

102           **II.     Request for Comment**

103           CEQ requests comments on potential revisions to update and clarify CEQ NEPA  
104 regulations. In particular, CEQ requests comments on the following specific aspects of  
105 these regulations, and requests that commenters include question numbers when  
106 providing responses. Where possible, please provide specific recommendations on  
107 additions, deletions, and modifications to the text of CEQ's NEPA regulations and their  
108 justifications.

109    ***NEPA Process:***

- 110           1. Should CEQ's NEPA regulations be revised to ensure that environmental reviews  
111           and authorization decisions involving multiple agencies are conducted in a  
112           manner that is concurrent, synchronized, timely, and efficient, and if so, how?
- 113           2. Should CEQ's NEPA regulations be revised to make the NEPA process more  
114           efficient by facilitating agency use of environmental studies, analysis, and  
115           decisions conducted in earlier Federal, State, tribal or local environmental reviews  
116           or authorization decisions, and if so, how?
- 117           3. Should CEQ's NEPA regulations be revised to ensure optimal interagency  
118           coordination of environmental reviews and authorization decisions, and if so,  
119           how?

120    ***Scope of NEPA Review:***

- 121           4. Should the provisions in CEQ's NEPA regulations that relate to the format and  
122           page length of NEPA documents and time limits for completion be revised, and if  
123           so, how?

- 124 5. Should the provisions in CEQ's NEPA regulations relating to public involvement  
125 be revised to be more inclusive and efficient, and if so, how?
- 126 6. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as  
127 those listed below, be revised, and if so, how?
- 128 a. Major Federal Action;
  - 129 b. Effects;
  - 130 c. Cumulative Impact;
  - 131 d. Significantly;
  - 132 e. Scope; and
  - 133 f. Other NEPA terms.
- 134 7. Should any new definitions of key NEPA terms, such as those noted below, be  
135 added, and if so, which terms?
- 136 a. Alternatives;
  - 137 b. Purpose and Need;
  - 138 c. Reasonably Foreseeable;
  - 139 d. Trivial Violation; and
  - 140 e. Other NEPA terms.
- 141 8. Should the provisions in CEQ's NEPA regulations relating to any of the types of  
142 documents listed below be revised, and if so, how?
- 143 a. Categorical Exclusions;
  - 144 b. Environmental Assessments;
  - 145 c. Findings of No Significant Impact;
  - 146 d. Environmental Impact Statements;

- 147 e. Records of Decision; and
- 148 f. Supplements.
- 149 9. Should the provisions in CEQ's NEPA regulations relating to the timing of
- 150 agency action be revised, and if so, how?
- 151 10. Should the provisions in CEQ's NEPA regulations related to agency
- 152 responsibility and the preparation of NEPA documents by contractors and project
- 153 applicants be revised, and if so, how?
- 154 11. Should the provisions in CEQ's NEPA regulations related to programmatic NEPA
- 155 documents and tiering be revised, and if so, how?
- 156 12. Should the provisions in CEQ's NEPA regulations relating to the appropriate
- 157 range of alternatives in NEPA reviews and which alternatives may be eliminated
- 158 from detailed analysis be revised, and if so, how?
- 159 **General:**
- 160 13. Which provisions of the regulations are currently obsolete? If any, please provide
- 161 specific recommendations on whether they should be modified, rescinded, or
- 162 replaced.
- 163 14. Are there additional ways CEQ's NEPA regulations should be revised to promote
- 164 interagency coordination of environmental review and authorization decisions,
- 165 and if so, how?
- 166 15. Are there additional ways CEQ's NEPA regulations should be revised to improve
- 167 the efficiency and effectiveness of the NEPA process in implementing NEPA, and
- 168 if so, how?

169 16. Are there additional ways CEQ’s NEPA regulations should be revised to ensure  
170 that agencies apply NEPA in a manner that reduces unnecessary burdens and  
171 delays as much as possible, and if so, how?

172 17. Are there additional ways CEQ’s NEPA regulations related to mitigation should  
173 be revised, and if so, how?

174

175 (Authority: 42 U.S.C. 4332, 4342, 4344 and 40 CFR Parts 1500, 1501, 1502, 1503, 1505,  
176 1506, 1507, and 1508)

177

### 178 **III. Statutory and Executive Order Reviews**

179 Under E.O. 12866, “Regulatory Planning and Review,” 58 FR 51735 (October 4,  
180 1993), this is a “significant regulatory action.” Accordingly, CEQ submitted this action to  
181 the Office of Management and Budget (OMB) for review under E.O. 12866 and any  
182 changes made in response to OMB recommendations have been documented in the  
183 docket for this action. Because this action does not propose or impose any requirements,  
184 and instead seeks comments and suggestions for CEQ to consider in possibly developing  
185 a subsequent proposed rule, the various statutes and executive orders that normally apply  
186 to rulemaking do not apply in this case. If CEQ decides in the future to pursue a  
187 rulemaking, CEQ will address the statutes and executive orders applicable to that  
188 rulemaking at that time.

189

190 Dated: [Month] \_\_\_\_, 2018.

191

192

193

194

195 Mary Neumayr,

196 *Chief of Staff, Council on Environmental Quality.*

## ANPRM nit

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**From:** "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>  
**To:** "Boling, Ted A. EOP/CEQ" (b) (6) "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 10 May 2018 15:24:55 -0400  
**Attachments:** FR-2005-07-18 (70 FR 41148) CEQ NEPA Regulations NOFR amending 1506.9.pdf (140.22 kB)

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(b) (5)

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Technically there were two amendments. The 2005 notice attached is not substantive – it specifies mail and in-person delivery addresses for filing an EIS with EPA.

EPA—APPROVED REGULATIONS IN THE DELAWARE SIP

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
<b>Regulation 1 Definitions and Administrative Principles</b>				
Section 2	Definitions	2/11/2003	7/18/05 [Insert page number where the document begins]	Added definition of PM2.5.
<b>Regulation 3 Ambient Air Quality Standards</b>				
Section 1	General provisions	2/11/2003	7/18/05 [Insert page number where the document begins]	Addition of section 1.6.j.
Section 6	Ozone	2/11/2003	7/18/05 [Insert page number where the document begins]	Addition to section 6.1—"This standard shall be applicable to New Castle and Kent Counties."  Addition of section 6.2.
Section 11	PM10 and PM2.5 Particulates	2/11/2003	7/18/05 [Insert page number where the document begins]	Section title added "and PM2.5"  Addition of sections 11.2.a. and 11.2.b.

\* \* \* \* \*

[FR Doc. 05-13987 Filed 7-15-05; 8:45 am]  
BILLING CODE 6560-50-P

**COUNCIL ON ENVIRONMENTAL QUALITY**

**40 CFR Part 1506**

**Other Requirements of NEPA**

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

**ACTION:** Final rule.

**SUMMARY:** Change existing US postal address at 40 CFR 1506.9 to update and add second address to facilitate deliveries made in-person or by commercial express mail service.

**DATES:** Effective July 18, 2005.

**ADDRESSES:** Council on Environmental Quality, 722 Jackson Place, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Dinah Bear, General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, DC 20503. Telephone: (202) 395-7421.

**SUPPLEMENTARY INFORMATION:** The address in the Filing requirements section at 40 CFR 1506.9 has been changed and an alternative address has

been added. The address change is an update. The alternative address has been added to facilitate deliveries made in-person or by commercial express mail services, including Federal Express or UPS. The language in all other sections of Part 1506 remains the same.

**List of Subjects in 40 CFR 1506**

Environmental impact statements.  
■ For the reasons set forth in the preamble, Part 1506 of Title 40 of the Code of Federal Regulations is amended to read as follows:

**PART 1506—OTHER REQUIREMENTS OF NEPA**

■ 1. The authority citation for Part 1506 continues to read as follows:

**Authority:** NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 *et seq.*), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

■ 2. Revise § 1506.9 to read as follows:

**§ 1506.9 Filing requirements.**

(a) Environmental impact statements together with comments and responses shall be filed with the Environmental Protection Agency, attention Office of Federal Activities, EIS Filing Section, Ariel Rios Building (South Oval Lobby), Mail Code 2252-A, Room 7220, 1200

Pennsylvania Ave., NW., Washington, DC 20460. This address is for deliveries by US Postal Service (including USPS Express Mail).

(b) For deliveries in-person or by commercial express mail services, including Federal Express or UPS, the correct address is: US Environmental Protection Agency, Office of Federal Activities, EIS Filing Section, Ariel Rios Building (South Oval Lobby), Room 7220, 1200 Pennsylvania Avenue, NW., Washington, DC 20004.

(c) Statements shall be filed with the EPA no earlier than they are also transmitted to commenting agencies and made available to the public. EPA shall deliver one copy of each statement to the Council, which shall satisfy the requirement of availability to the President. EPA may issue guidelines to agencies to implement its responsibilities under this section and § 1506.10.

Dated: July 12, 2005.

**Dinah Bear,**  
*General Counsel, Council on Environmental Quality.*

[FR Doc. 05-14016 Filed 7-15-05; 8:45 am]

BILLING CODE 3125-01-M

## Section 1506.9 Filing requirements revision

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**From:** "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>  
**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)> "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 10 May 2018 14:36:50 -0400

I could also include 70 FR 41148 (July 18, 2005) which amended the filing requirements section to reflect the EPA move.

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**From:** Mansoor, Yardena M. EOP/CEQ  
**Sent:** Thursday, May 10, 2018 2:18 PM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)> Drummond, Michael R. EOP/CEQ <(b) (6)>  
**Subject:** Posting the historical FR notices for CEQ NEPA Guidelines and Regulations

The historical FR notices for CEQ NEPA Guidelines and Regulations are ready to post, both to expand the scope of the NEPA.gov generally and to aid in the CEQ NEPA rulemaking if anyone wants to review how we got here (i.e., we could add the URLs to the ANPR).

These 7 files from the FR website are saved at (b) (2)

They have been through the OCR process, so the user can select text for copying, but the resulting files are large, so I'm not attaching them to this message.

Are the file names clear enough?

OK to proceed with posting?

-  FR-1971-04-23 (36 FR 7724) CEQ NEPA Guidelines original
-  FR-1973-05-02 (38 FR 10856) CEQ NEPA Guidelines proposed revisions
-  FR-1973-08-01 (38 FR 20550) CEQ NEPA Guidelines revised
-  FR-1978-06-09 (43 FR 25230) CEQ NEPA Regulations NOPR
-  FR-1978-11-29 (43 FR 55978) CEQ NEPA Regulations NOFR
-  FR-1985-08-09 (50 FR 32238) CEQ NEPA Regulations NOPR amending 1502.22
-  FR-1986-04-25 (51 FR 15618) CEQ NEPA Regulations NOFR amending 1502.22



# Posting the historical FR notices for CEQ NEPA Guidelines and Regulations

---

**From:** "Mansoor, Yarden M. EOP/CEQ" <(b) (6)>  
**To:** "Boling, Ted A. EOP/CEQ" (b) (6); "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 10 May 2018 14:17:40 -0400

The historical FR notices for CEQ NEPA Guidelines and Regulations are ready to post, both to expand the scope of the NEPA.gov generally and to aid in the CEQ NEPA rulemaking if anyone wants to review how we got here (i.e., we could add the URLs to the ANPR).

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-  FR-1978-11-29 (43 FR 55978) CEQ NEPA Regulations NOFR
-  FR-1985-08-09 (50 FR 32238) CEQ NEPA Regulations NOPR amending 1502.22
-  FR-1986-04-25 (51 FR 15618) CEQ NEPA Regulations NOFR amending 1502.22

## RE: CEQ NEPA review

---

**From:** "Boling, Ted A. EOP/CEQ" <"o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">

**To:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>

**Date:** Fri, 11 May 2018 14:03:25 -0400

Perfect – it's a quick read, so they shouldn't have any trouble turning it around by Monday.

**From:** Whiteman, Chad S. EOP/OMB

**Sent:** Friday, May 11, 2018 2:02 PM

**To:** Boling, Ted A. EOP/CEQ <(b) (6)>

**Cc:** Szabo, Aaron L. EOP/CEQ <(b) (6)>

**Subject:** RE: CEQ NEPA review

Hi Ted,

I included DOI on the original distribution, but sent it to contacts who are no longer there. I'll send it out to Julie Lillie and Kerry Rodgers. DOI staff should contact them directly.

Thanks for the note.

Chad

**From:** Boling, Ted A. EOP/CEQ

**Sent:** Friday, May 11, 2018 1:53 PM

**To:** Whiteman, Chad S. EOP/OMB <(b) (6)>

**Cc:** Szabo, Aaron L. EOP/CEQ <(b) (6)>

**Subject:** FW: CEQ NEPA review

Chad – I told DOI yesterday that OIRA, not CEQ, sent the request for agency review or our ANPRM. I've since received a DOI request for a copy of the ANPRM directly. Could you send it to Julie Lillie or tell me who I can direct them to within DOI?

Best,

Ted

Edward A. Boling

Associate Director for the

National Environmental Policy Act

Council on Environmental Quality

730 Jackson Place

Washington, DC 20503

**From:** Michaela Noble <michaela\_noble@ios.doi.gov>

**Sent:** Thursday, May 10, 2018 2:40 PM

**To:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Cc:** Juliette Lillie <juliette\_lillie@ios.doi.gov>  
**Subject:** RE: CEQ NEPA review

Ted,

I understand that on May 7<sup>th</sup>, CEQ sent a request for review and input to DOI on how CEQ may improve their NEPA regulations. That input was sent to Mark Lawyer at DOI in our ExecSec office. However, Mark Lawyer is no longer with DOI. Please send the request to our OES Director, Julie Lillie, cc'd here, so that we may process and distribute the document for input appropriately.

Thank you,

Michaela E. Noble  
Director, Office of Environmental Policy & Compliance  
The Department of the Interior  
1849 C Street, NW  
Washington, DC 20240  
Office: 202-208-3891  
Cell: (b) (6)  
Email: [michaela\\_noble@ios.doi.gov](mailto:michaela_noble@ios.doi.gov)  
Website: ><https://www.doi.gov/oepec><

## RE: CEQ NEPA review

---

**From:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>  
**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Cc:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 11 May 2018 14:01:55 -0400

Hi Ted,

I included DOI on the original distribution, but sent it to contacts who are no longer there. I'll send it out to Julie Lillie and Kerry Rodgers. DOI staff should contact them directly.

Thanks for the note.

Chad

**From:** Boling, Ted A. EOP/CEQ  
**Sent:** Friday, May 11, 2018 1:53 PM  
**To:** Whiteman, Chad S. EOP/OMB <(b) (6)>  
**Cc:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** FW: CEQ NEPA review

Chad – I told DOI yesterday that OIRA, not CEQ, sent the request for agency review of our ANPRM. I've since received a DOI request for a copy of the ANPRM directly. Could you send it to Julie Lillie or tell me who I can direct them to within DOI?

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Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

**From:** Michaela Noble <michaela\_noble@ios.doi.gov>  
**Sent:** Thursday, May 10, 2018 2:40 PM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Cc:** Juliette Lillie <juliette\_lillie@ios.doi.gov>  
**Subject:** RE: CEQ NEPA review

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Director, Office of Environmental Policy & Compliance  
The Department of the Interior  
1849 C Street, NW  
Washington, DC 20240  
Office: 202-208-3891  
Cell: (b) (6)  
Email: [michaela\\_noble@ios.doi.gov](mailto:michaela_noble@ios.doi.gov)  
Website: <https://www.doi.gov/oepec>

## FW: CEQ NEPA review

---

**From:** "Boling, Ted A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">

**To:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>

**Cc:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>

**Date:** Fri, 11 May 2018 13:52:45 -0400

Chad – I told DOI yesterday that OIRA, not CEQ, sent the request for agency review of our ANPRM. I've since received a DOI request for a copy of the ANPRM directly. Could you send it to Julie Lillie or tell me who I can direct them to within DOI?

Best,  
Ted

Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

**From:** Michaela Noble <michaela\_noble@ios.doi.gov>  
**Sent:** Thursday, May 10, 2018 2:40 PM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Cc:** Juliette Lillie <juliette\_lillie@ios.doi.gov>  
**Subject:** RE: CEQ NEPA review

Ted,

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Michaela E. Noble  
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1849 C Street, NW  
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Office: 202-208-3891  
Cell: (b) (6)  
Email: [michaela\\_noble@ios.doi.gov](mailto:michaela_noble@ios.doi.gov)  
Website: <https://www.doi.gov/oepec>

## [EXTERNAL] RE: CEQ NEPA ANPR

---

**From:** "Ball, Sarah" <sball@eei.org>  
**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Cc:** "Loughery, Richard" <rloughery@eei.org>, "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 11 May 2018 12:17:48 -0400

Thanks for the quick response. Let me follow up internally as to what we want to do.

**From:** Boling, Ted A. EOP/CEQ [mailto:(b) (6)]  
**Sent:** Friday, May 11, 2018 11:52 AM  
**To:** Ball, Sarah <SBall@eei.org>  
**Cc:** Loughery, Richard <RLoughery@eei.org>; Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** RE: CEQ NEPA ANPR

This email originated from an external sender. Use caution before clicking links or opening attachments. For more information, visit [The Grid](#). Questions? Please contact [ITSupport@eei.org](mailto:ITSupport@eei.org) or ext. 5100.

---

Hi Sarah,

I'm afraid I cannot discuss any matter that is pending at OMB-OIRA, but here is the link for requesting a meeting about a regulatory action under OIRA review:

><https://www.reginfo.gov/public/jsp/Utilities/faq.jsp><

I'll be happy to get EEI's input consistent with the EO 12866 process.

Regards,  
Ted

Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

**From:** Ball, Sarah <SBall@eei.org>  
**Sent:** Friday, May 11, 2018 11:03 AM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)>

Cc: Loughery, Richard <[RLoughery@eei.org](mailto:RLoughery@eei.org)>

Subject: [EXTERNAL] CEQ NEPA ANPR

Hi Ted,

Rick Loughery and I wanted to check with you about setting up a meeting with you and your staff to talk about CEQ's ANPR for updating NEPA implementing regulations.

EEI is very interested in streamlining NEPA processes. Most, if not all of our western members site electric infrastructure on federal lands and getting EAs and EISs done in a timely manner can be challenging.

Please let me know if this is something we can do.

Regards,

Sarah Ball & Rick Loughery

Sarah K. Ball  
Senior Manager, Environmental Affairs

Edison Electric Institute  
701 Pennsylvania Avenue, NW  
Washington, D.C. 20004-2696  
202-508-5208 | [sball@eei.org](mailto:sball@eei.org)



Edison Electric  
INSTITUTE

## RE: CEQ NEPA ANPR

---

**From:** "Boling, Ted A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">  
**To:** "Ball, Sarah" <sball@eei.org>  
**Cc:** "Loughery, Richard" <rloughery@eei.org>, "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 11 May 2018 11:52:15 -0400

Hi Sarah,

I'm afraid I cannot discuss any matter that is pending at OMB-OIRA, but here is the link for requesting a meeting about a regulatory action under OIRA review:

<https://www.reginfo.gov/public/jsp/Utilities/faq.jsp>

I'll be happy to get EEI's input consistent with the EO 12866 process.

Regards,  
Ted

Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

**From:** Ball, Sarah <SBall@eei.org>  
**Sent:** Friday, May 11, 2018 11:03 AM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Cc:** Loughery, Richard <RLoughery@eei.org>  
**Subject:** [EXTERNAL] CEQ NEPA ANPR

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202-508-5208 | [sball@eei.org](mailto:sball@eei.org)



Edison Electric  
INSTITUTE

## [EXTERNAL] CEQ NEPA ANPR

---

**From:** "Ball, Sarah" <sball@eei.org>  
**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Cc:** "Loughery, Richard" <rloughery@eei.org>  
**Date:** Fri, 11 May 2018 11:03:04 -0400

---

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Rick Loughery and I wanted to check with you about setting up a meeting with you and your staff to talk about CEQ's ANPR for updating NEPA implementing regulations.

EEI is very interested in streamlining NEPA processes. Most, if not all of our western members site electric infrastructure on federal lands and getting EAs and EISs done in a timely manner can be challenging.

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Sarah Ball & Rick Loughery

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Senior Manager, Environmental Affairs

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Washington, D.C. 20004-2696  
202-508-5208 | sball@eei.org



Edison Electric  
INSTITUTE

# FW: EO 12866 Review of CEQ NEPA Procedural Provisions

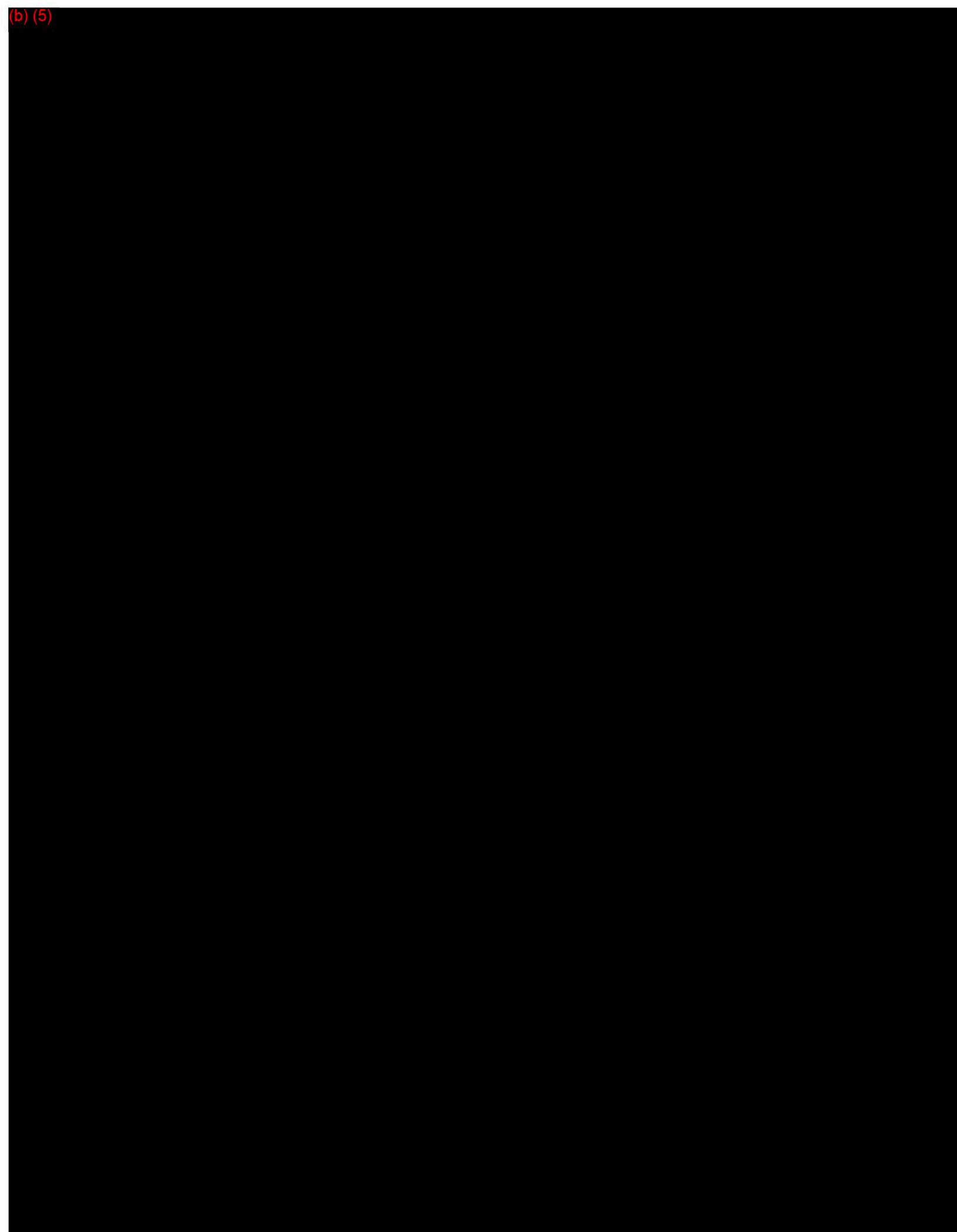
## Prerule (b) (5) comments

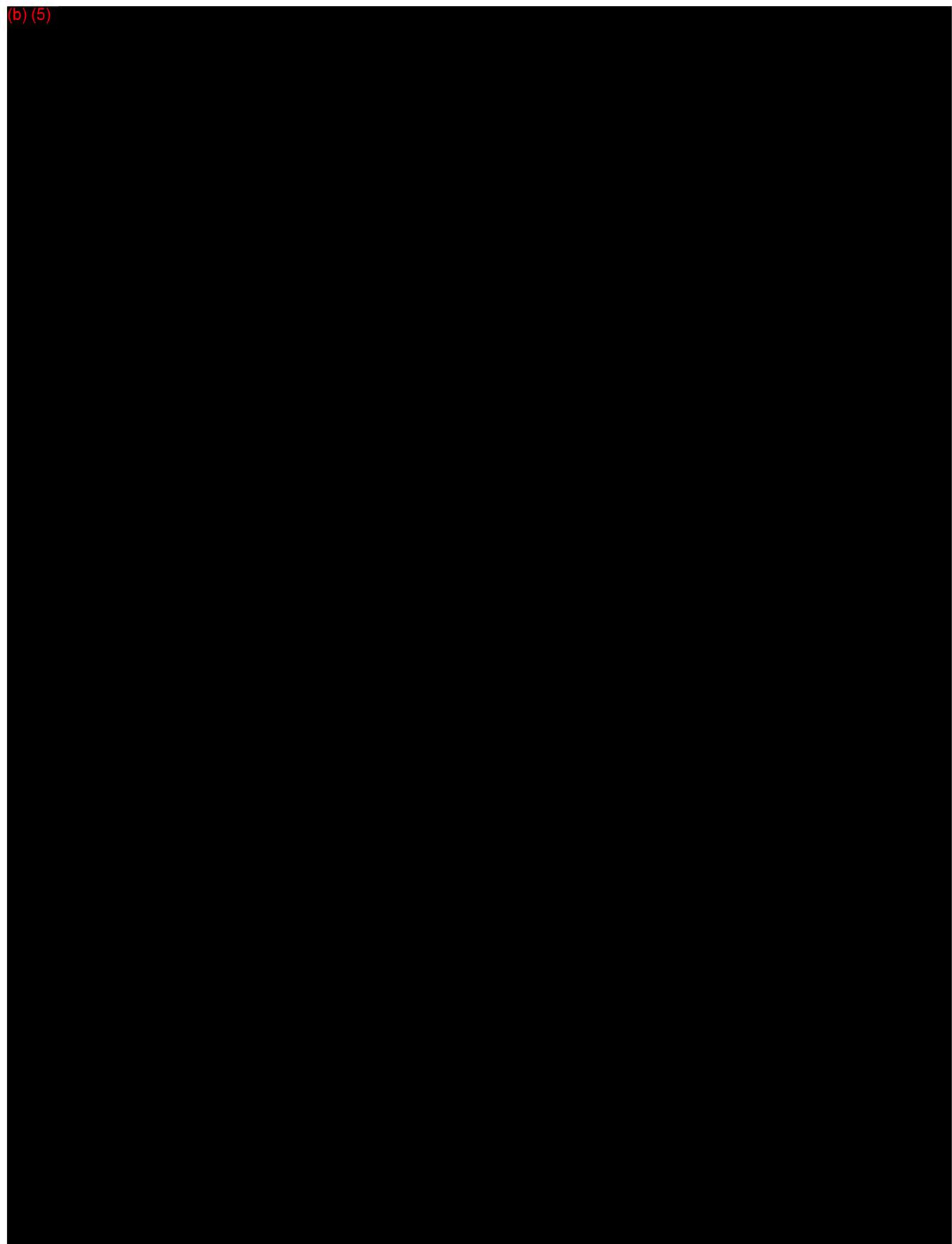
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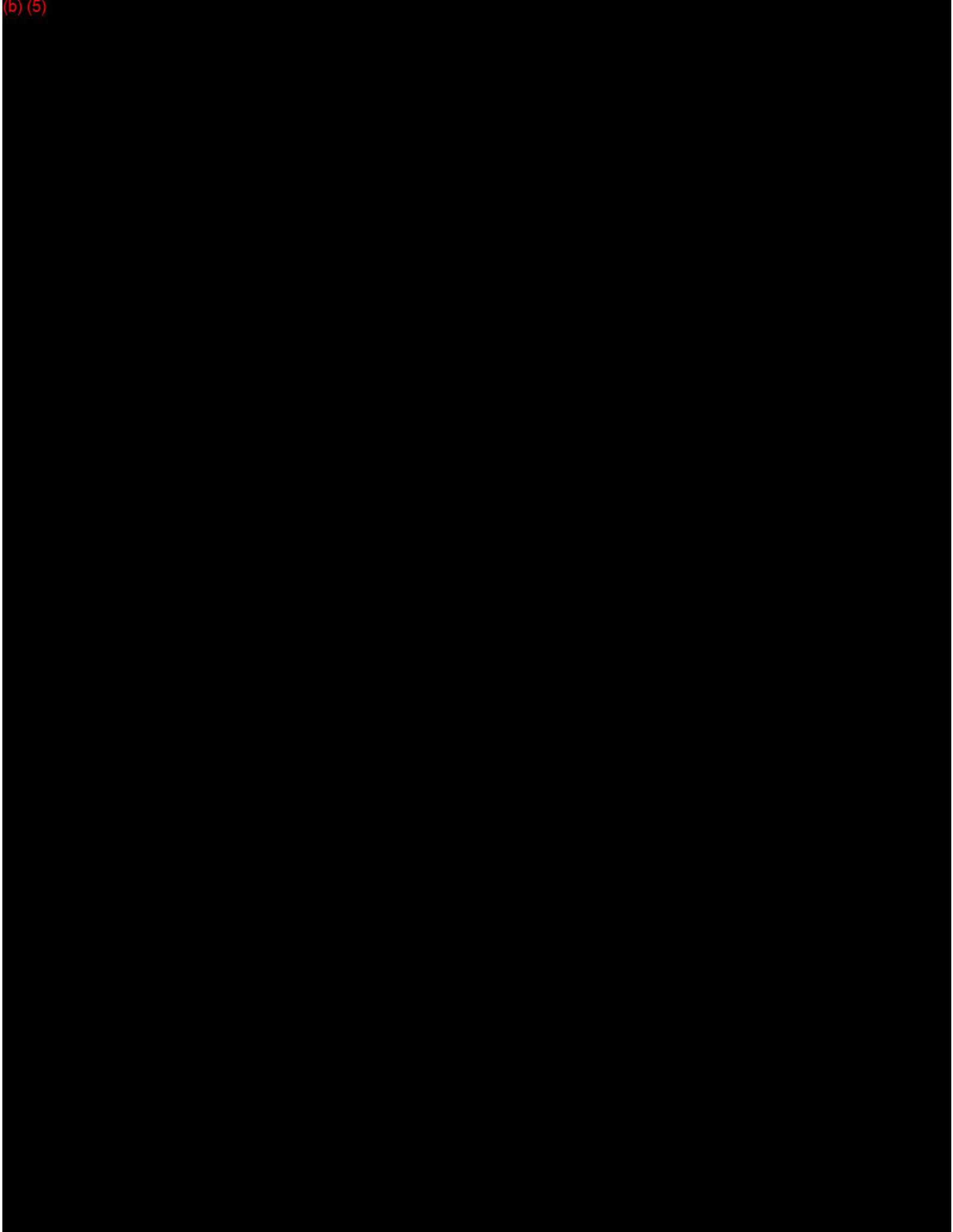
**From:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>  
"Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Boling, Ted A. EOP/CEQ" <(b) (6)> "Drummond, Michael R. EOP/CEQ" <(b) (6)> "Barnett, Steven W. EOP/CEQ" <(b) (6)>  
**To:** <(b) (6)> "Sharp, Thomas L. EOP/CEQ" <(b) (6)> "Loyola, Mario A. EOP/CEQ" <(b) (6)> "Gignoux, Caroline M. EOP/CEQ (Intern)" <(b) (6)> "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 21 May 2018 10:27:16 -0400  
**Attachments**  
EO12866 Review CEQ NEPA ANPRM (b) (5) Comments 5.14.18.docx (53.1 kB)  
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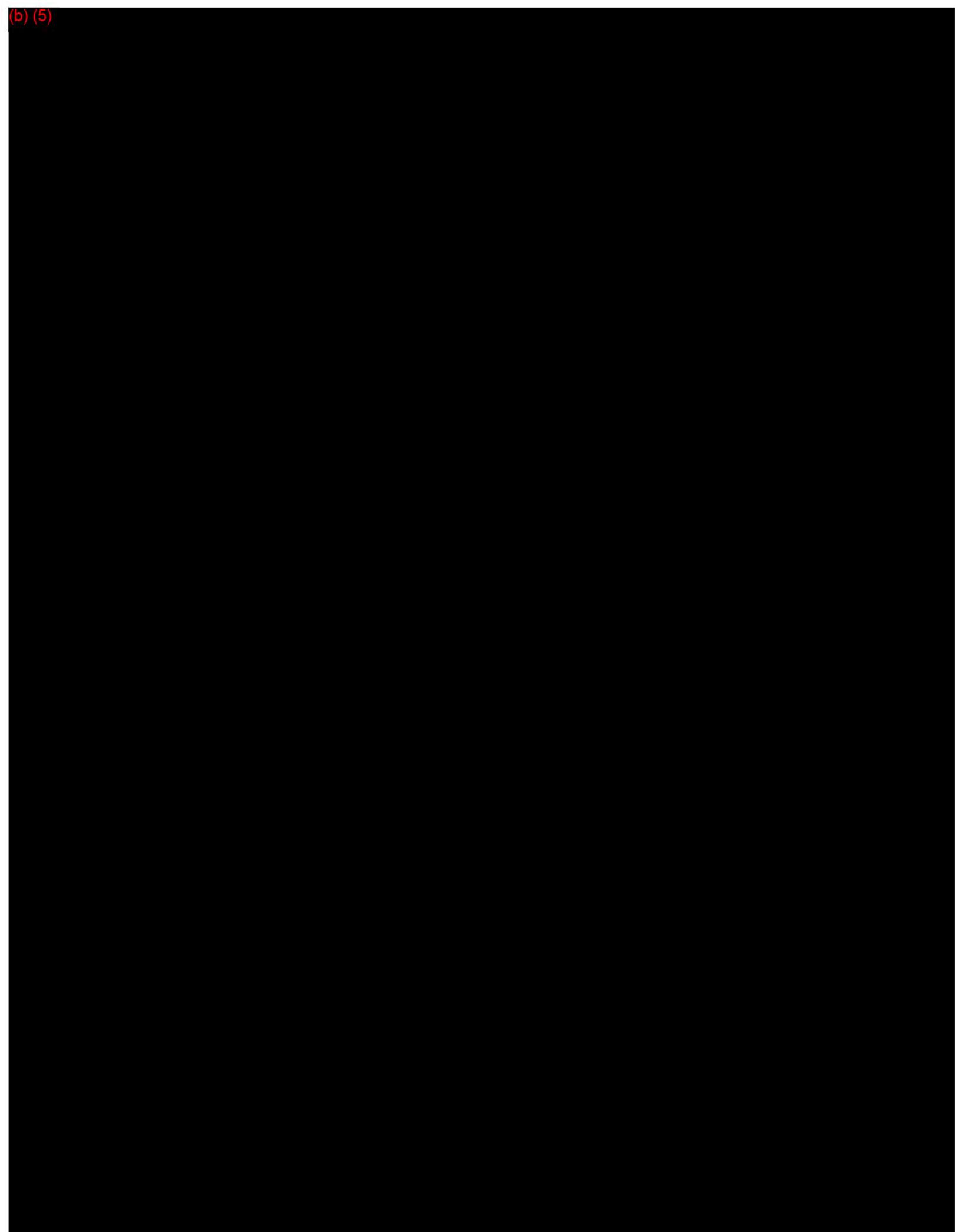
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Here are (b) (5) comments

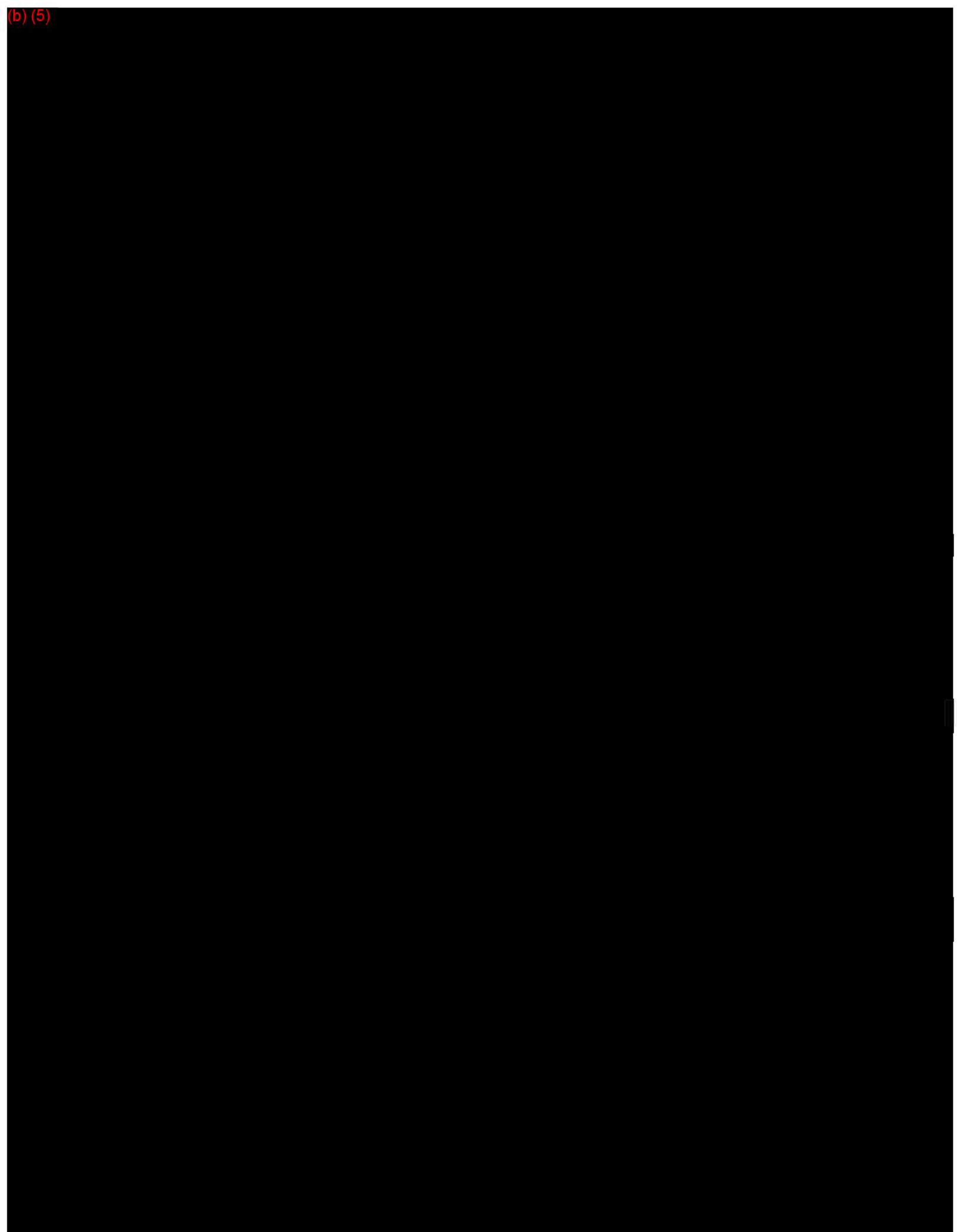




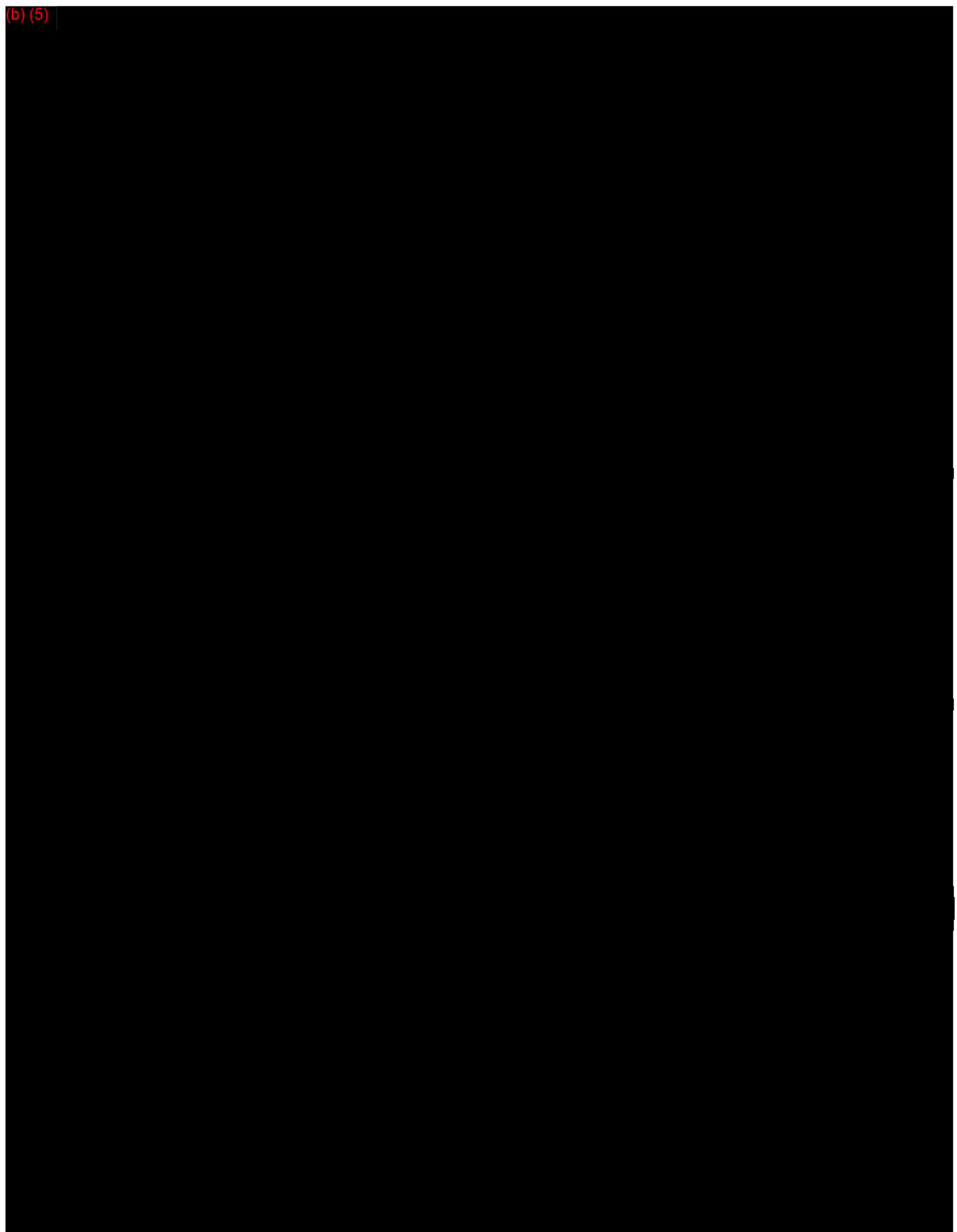


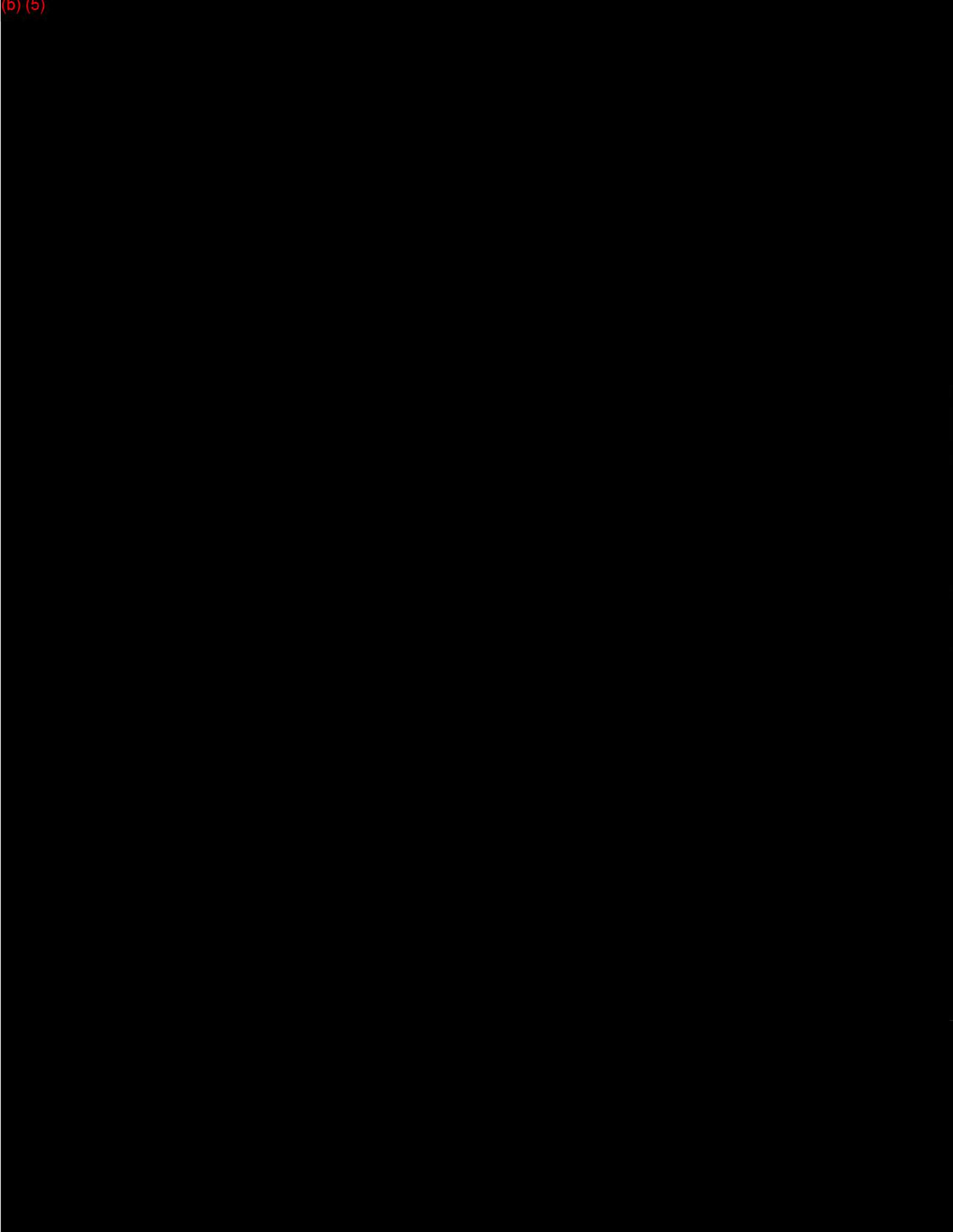


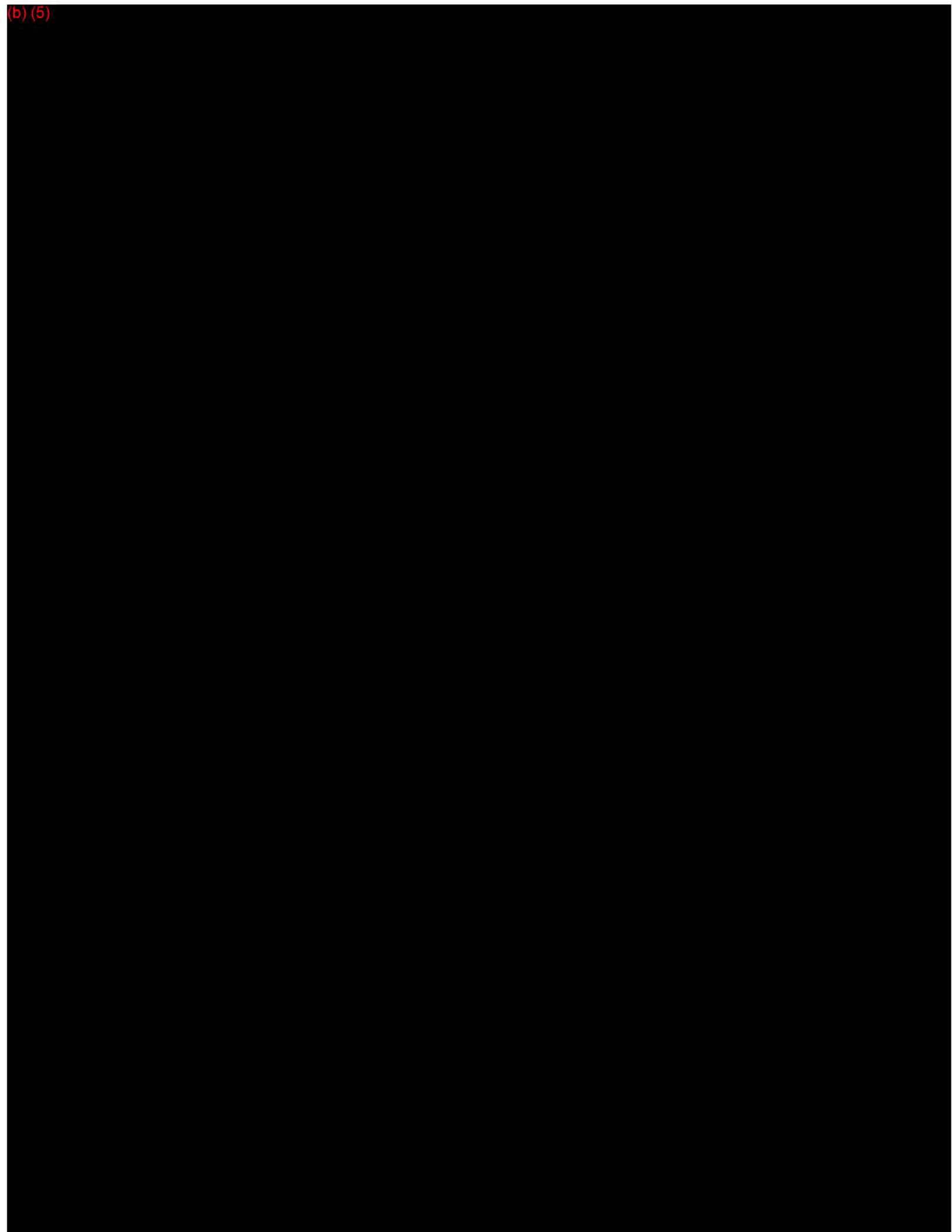
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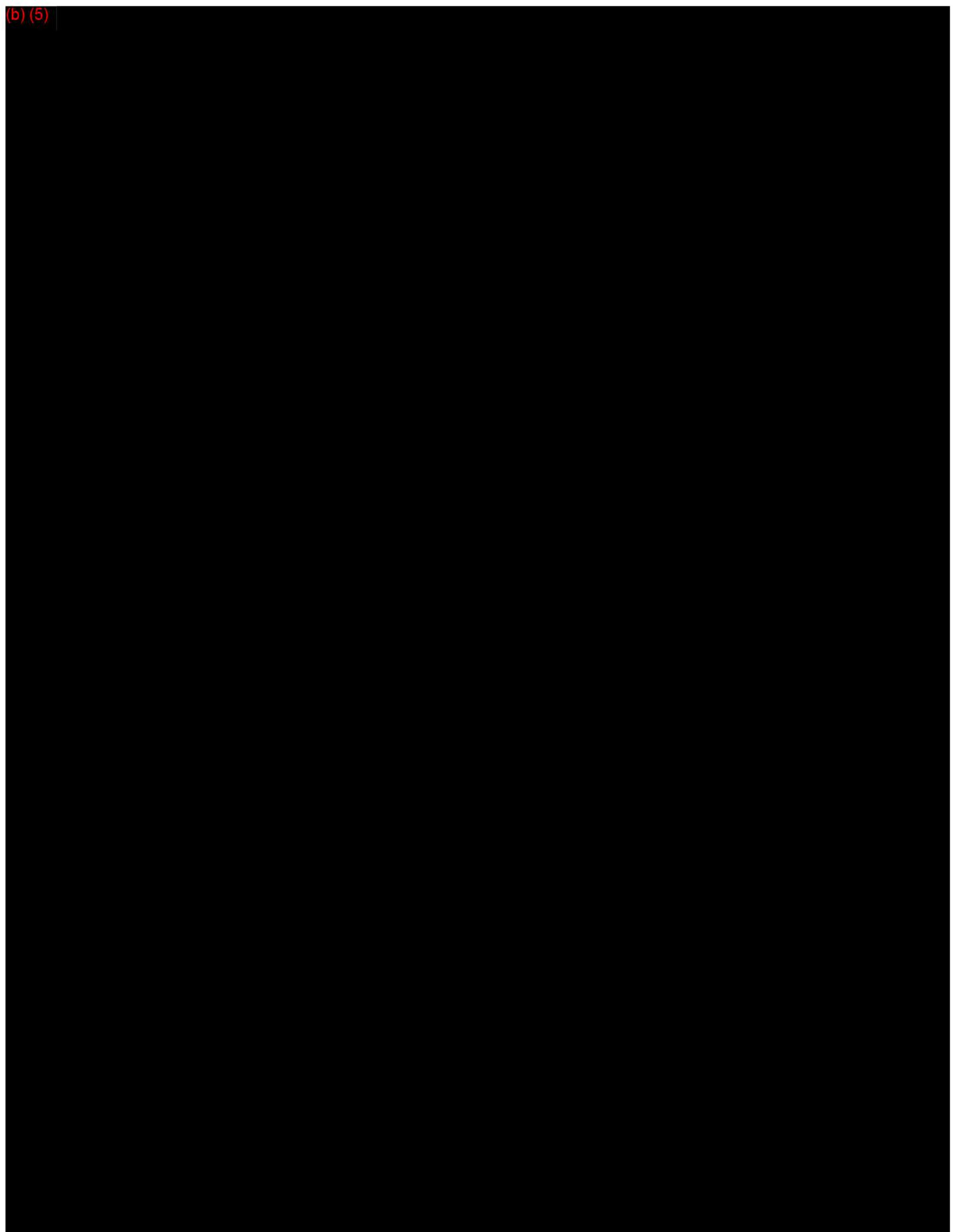


(b) (5)









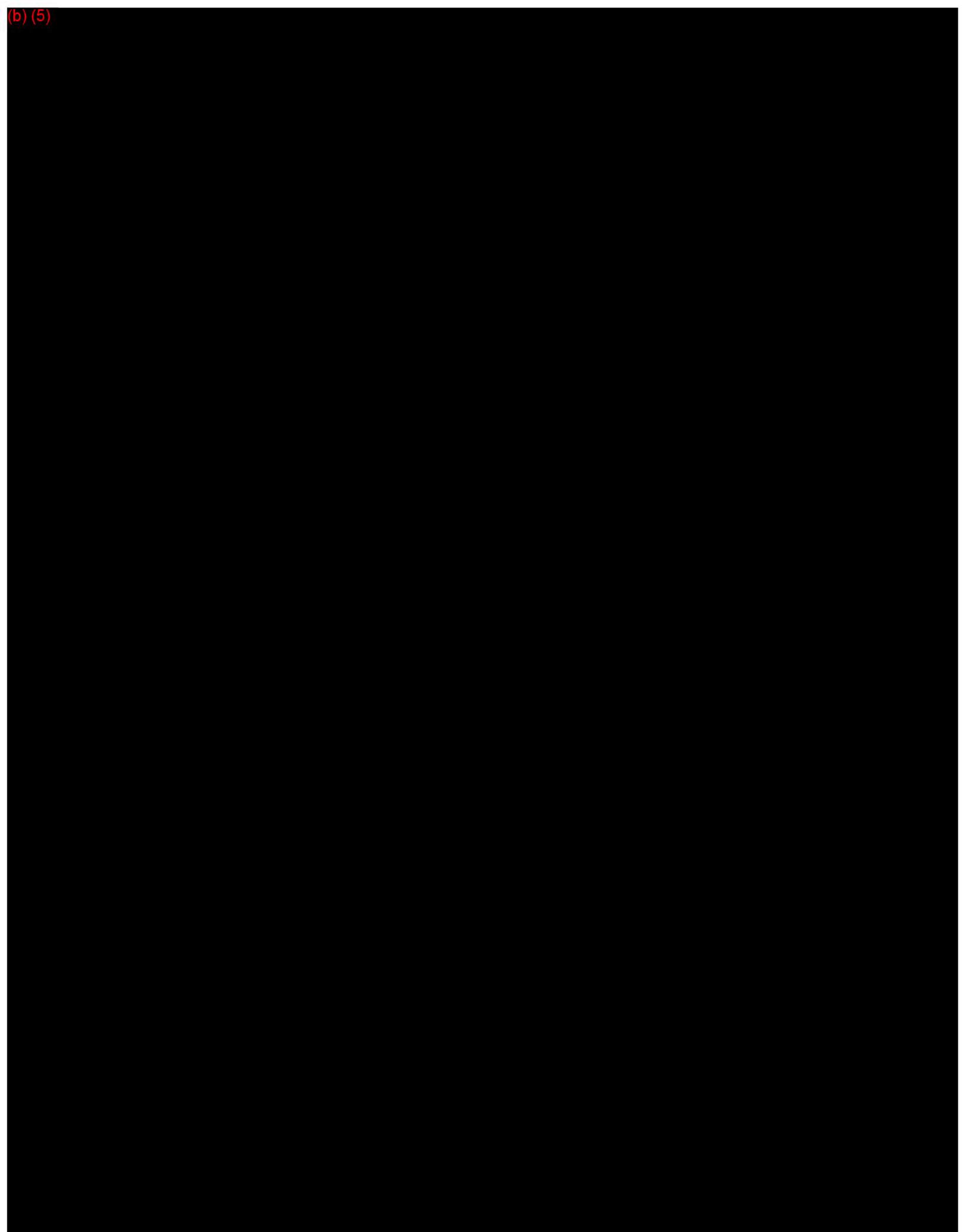
# EO 12866 Review of CEQ NEPA Procedural Provisions Prerule - (b) (5) comments

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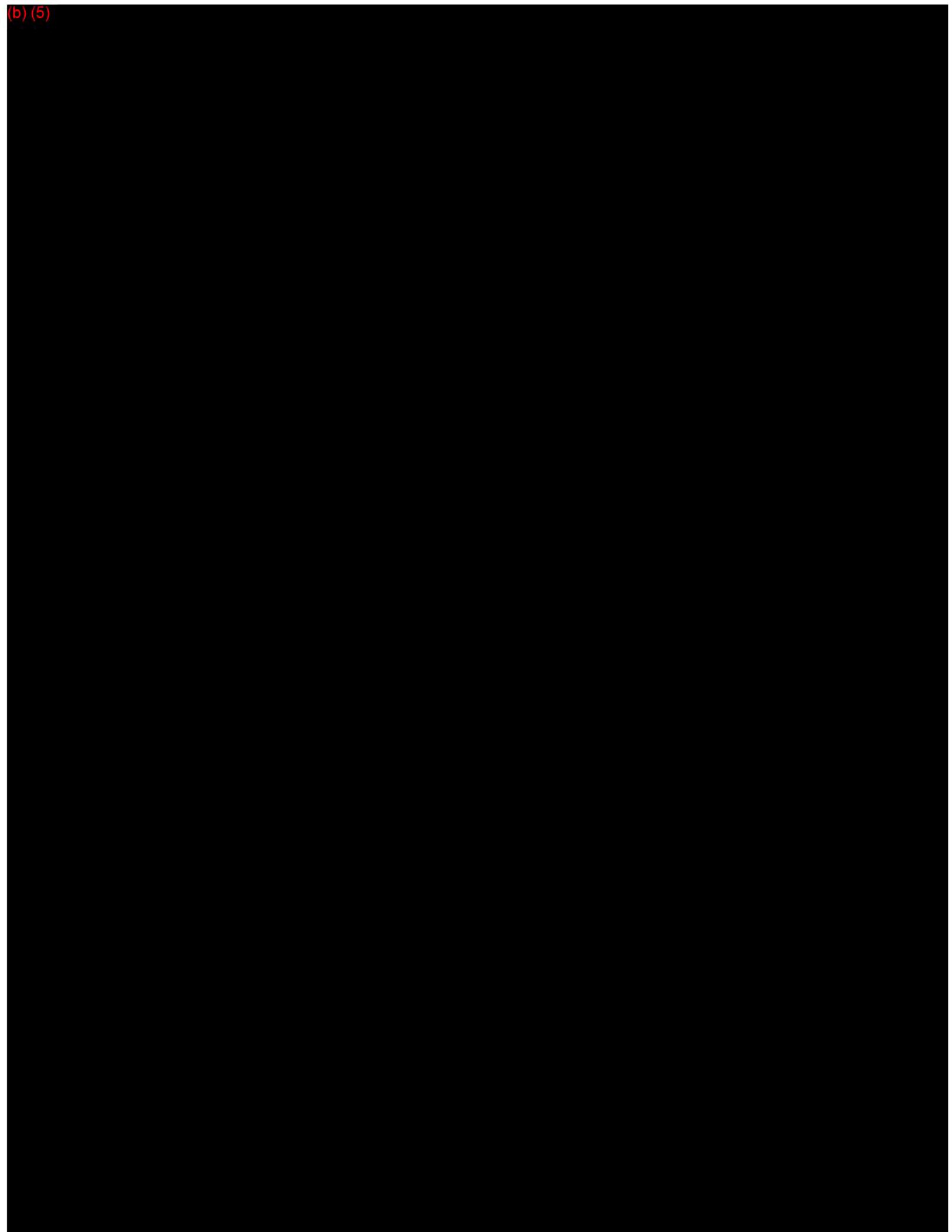
**From:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>  
"Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Boling, Ted A.  
EOP/CEQ" <(b) (6)> "Drummond, Michael R. EOP/CEQ"  
<(b) (6)> "Barnett, Steven W. EOP/CEQ"  
**To:** <(b) (6)> "Sharp, Thomas L. EOP/CEQ"  
<(b) (6)> "Loyola, Mario A. EOP/CEQ"  
<(b) (6)> "Gignoux, Caroline M. EOP/CEQ (Intern)"  
<(b) (6)> "Smith, Katherine R. EOP/CEQ"  
<(b) (6)>  
**Date:** Mon, 21 May 2018 10:25:08 -0400  
**Attachments:** EO12866 Review CEQ NEPA ANPRM - 5-07-2018.docx (49.35 kB)

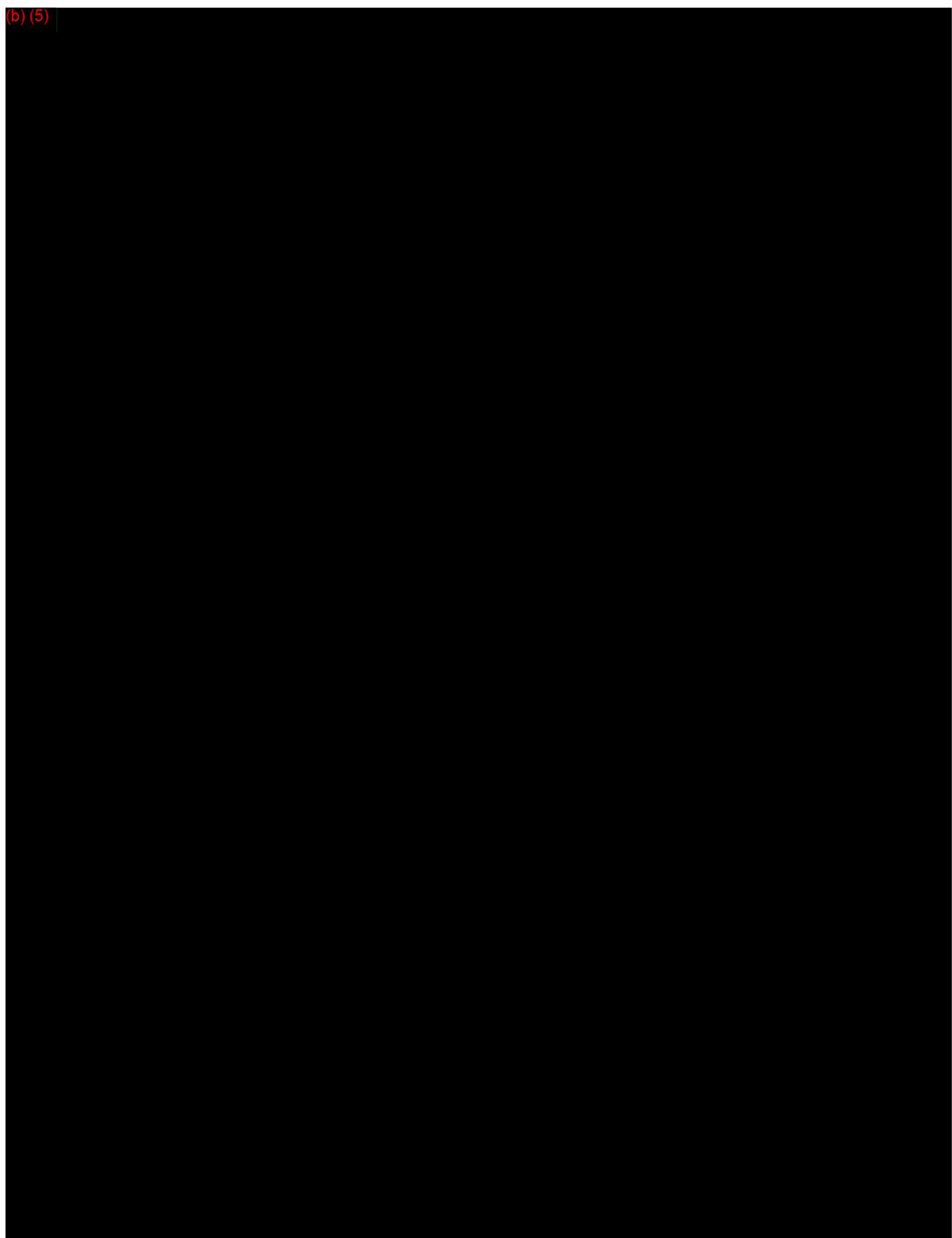
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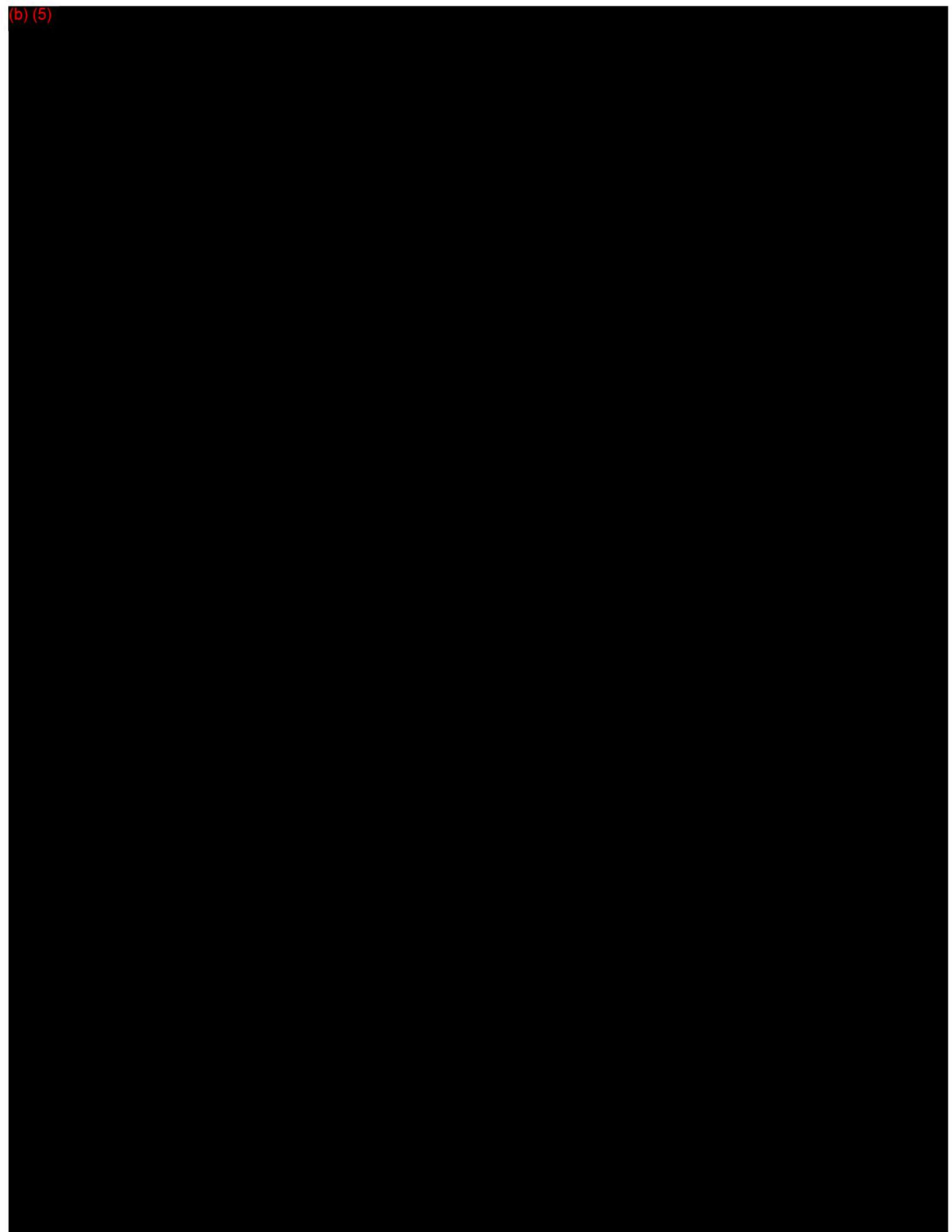
(b) (5) comments.

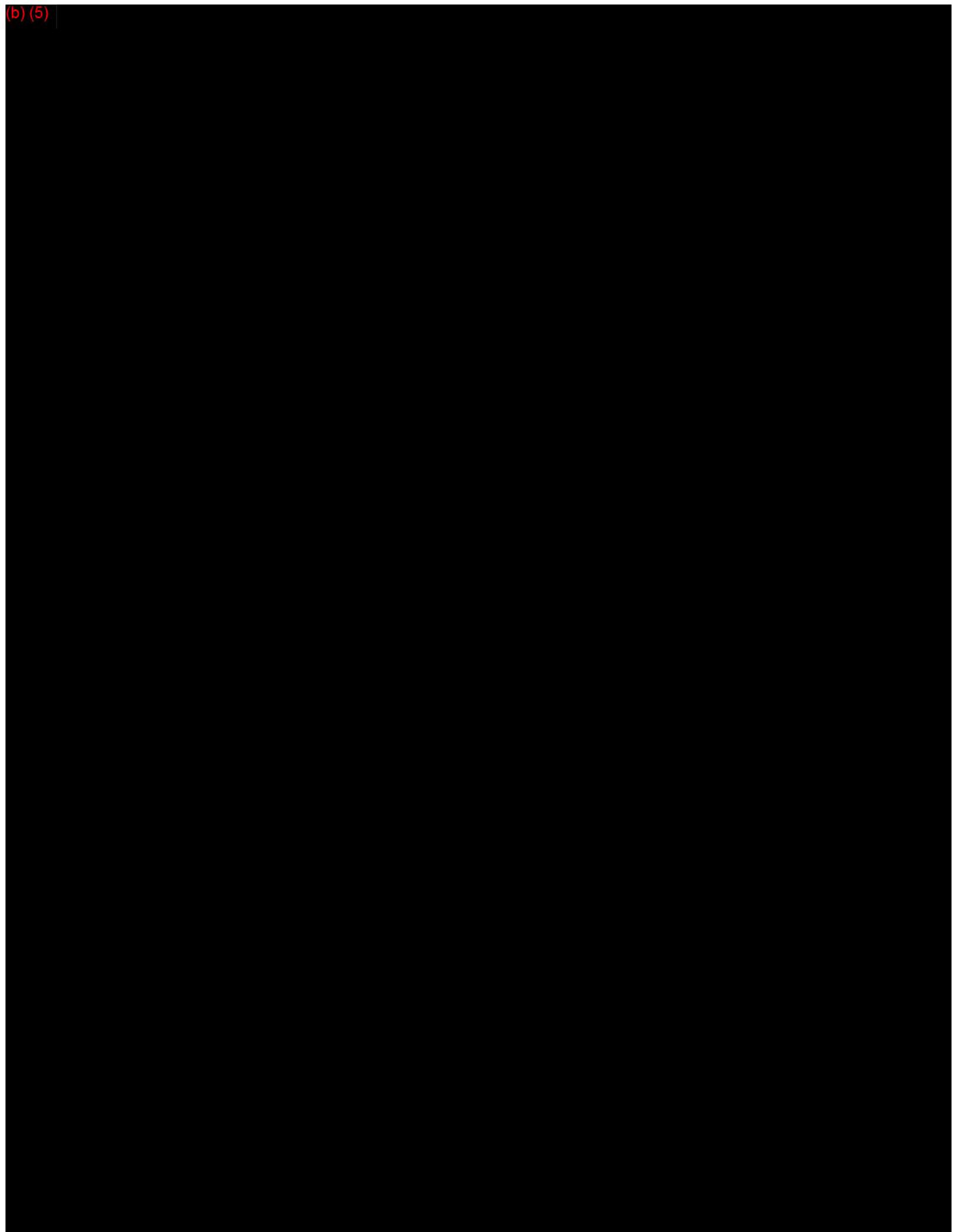


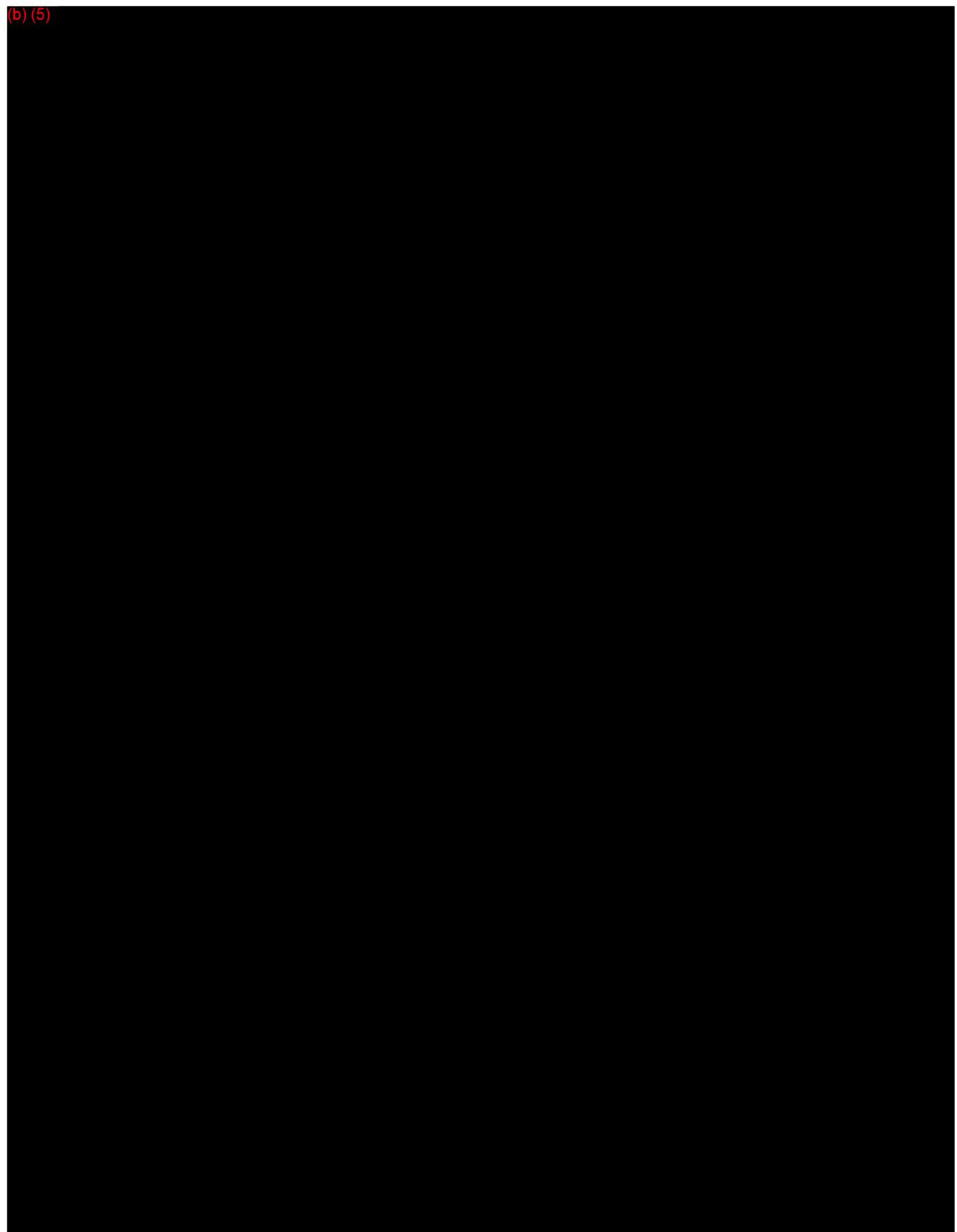
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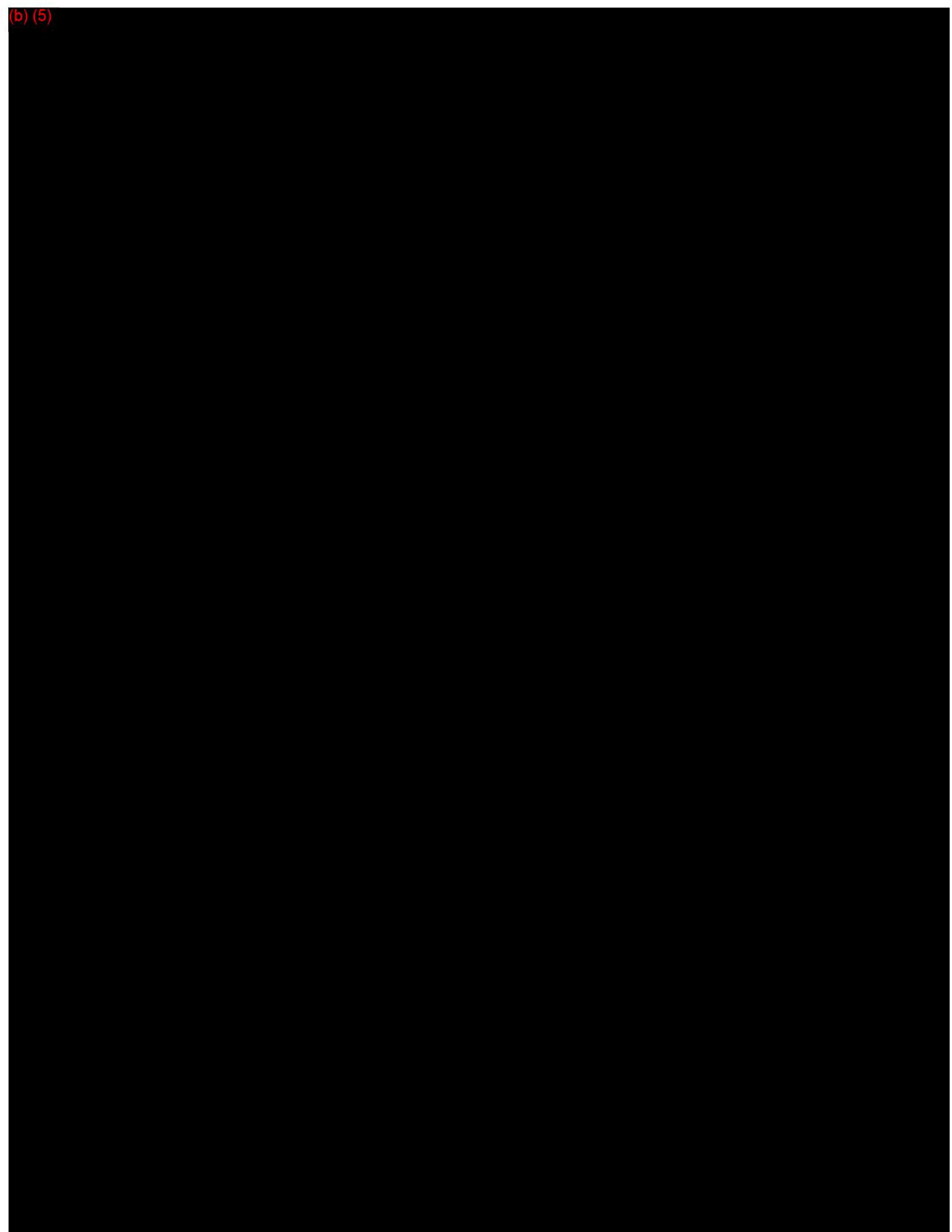




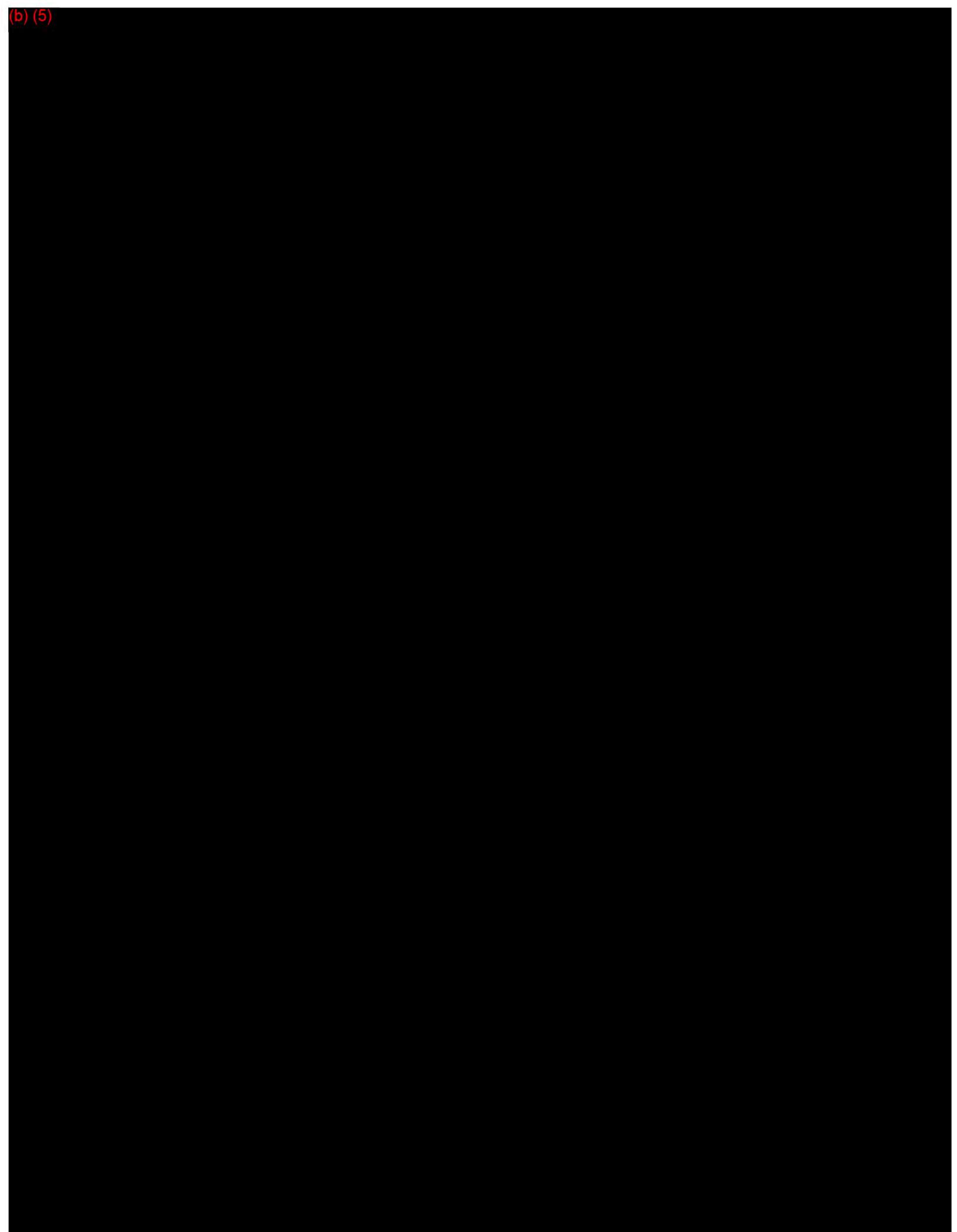




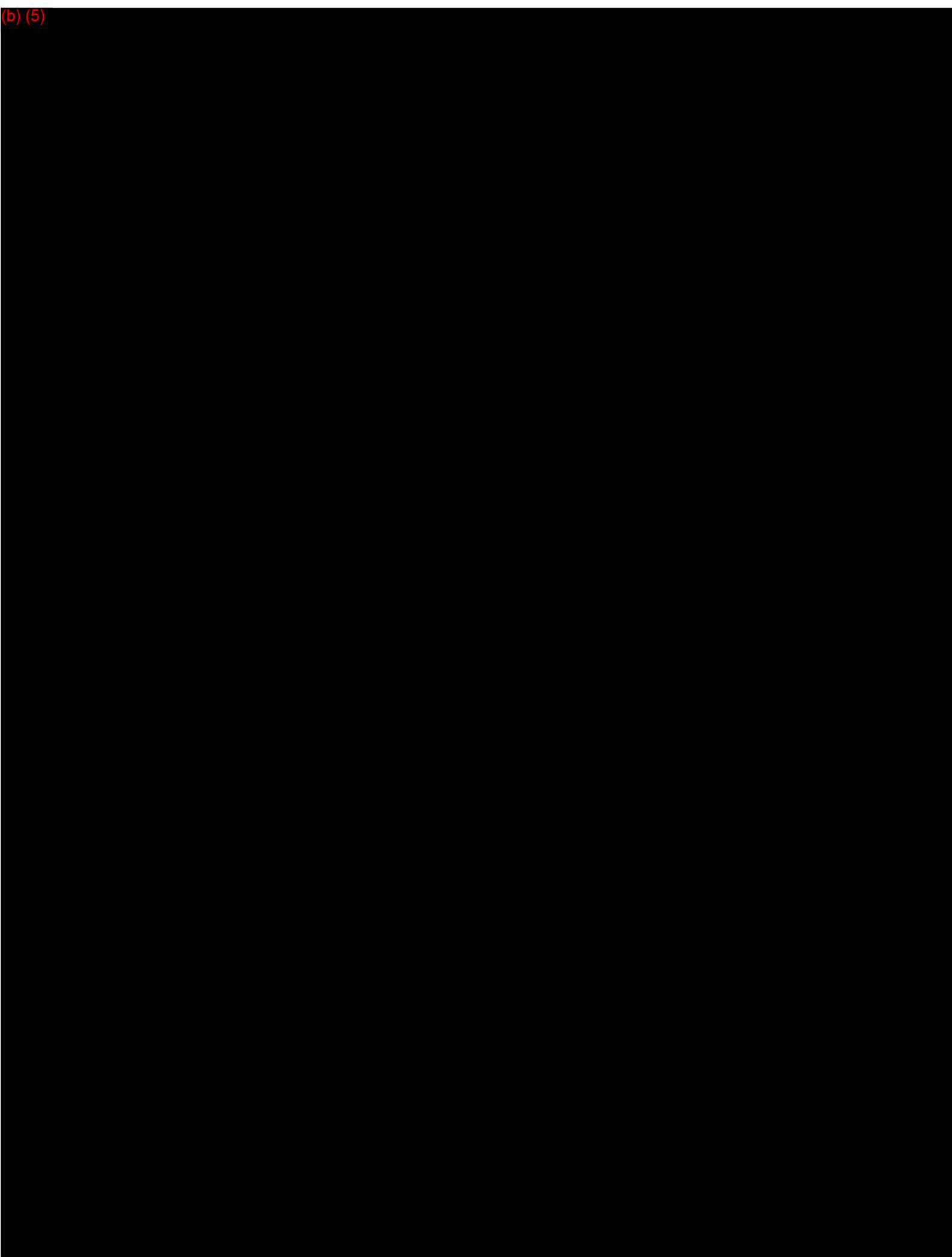
(b) (5)



(b) (5)



(b) (5)



## Comments Received on CEQ ANPRM

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**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>

**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>

**Date:** Mon, 21 May 2018 12:21:27 -0400

**Attachments:** (b) (5) -EO12866 Review CEQ NEPA ANPRM.DOCX (49.89 kB); (b) (5) -EO12866 Review CEQ NEPA ANPRM.DOCX (24.79 kB); (b) (5) -EO12866 Review CEQ NEPA ANPRM.DOCX (53.1 kB); (b) (5) -EO12866 Review CEQ NEPA ANPRM.DOCX (49.35 kB); (b) (5) -EO12866 Review CEQ NEPA ANPRM.DOCX (18.49 kB)

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Mary,

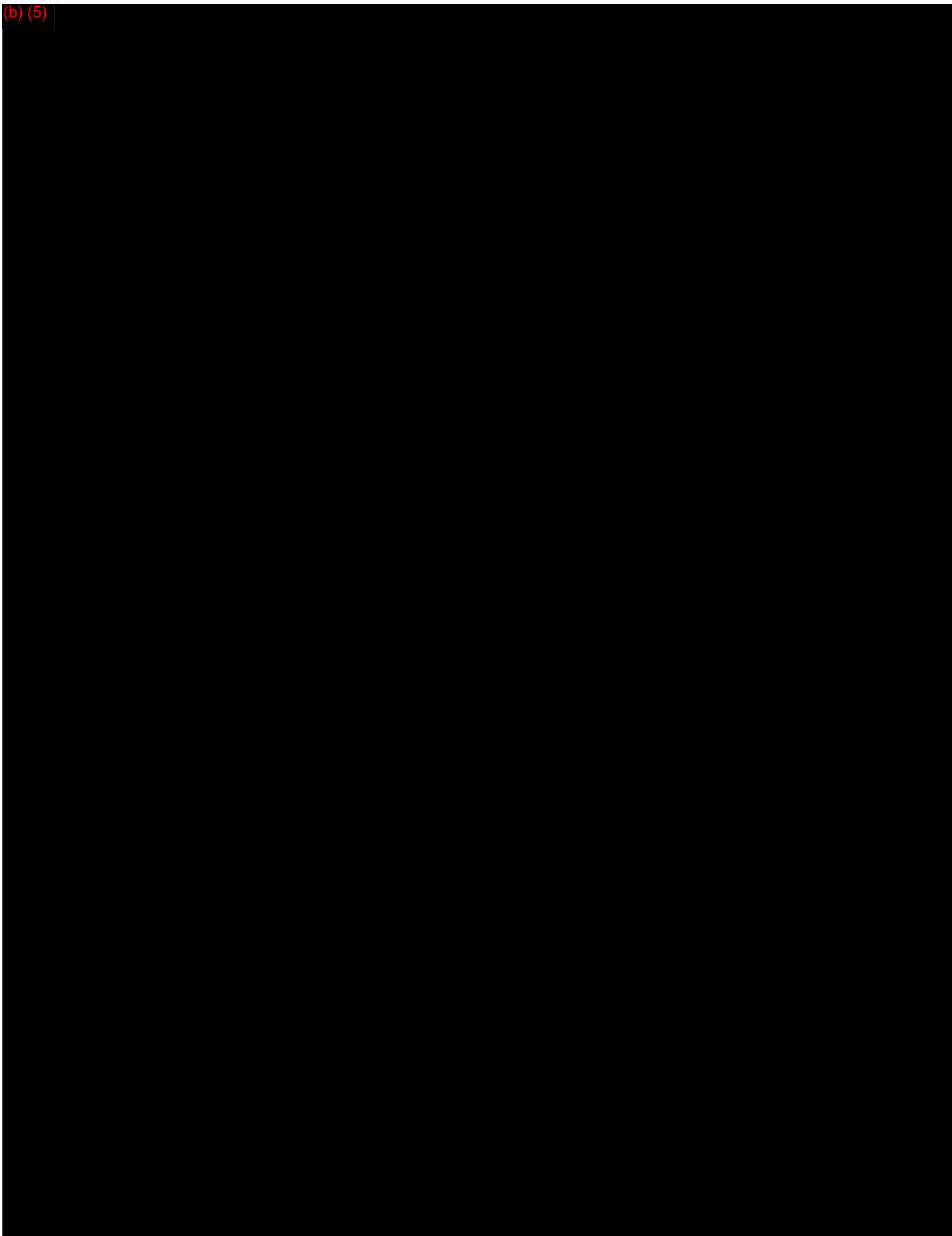
Please find attached the interagency comments that we have received thus far via OIRA.

**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality

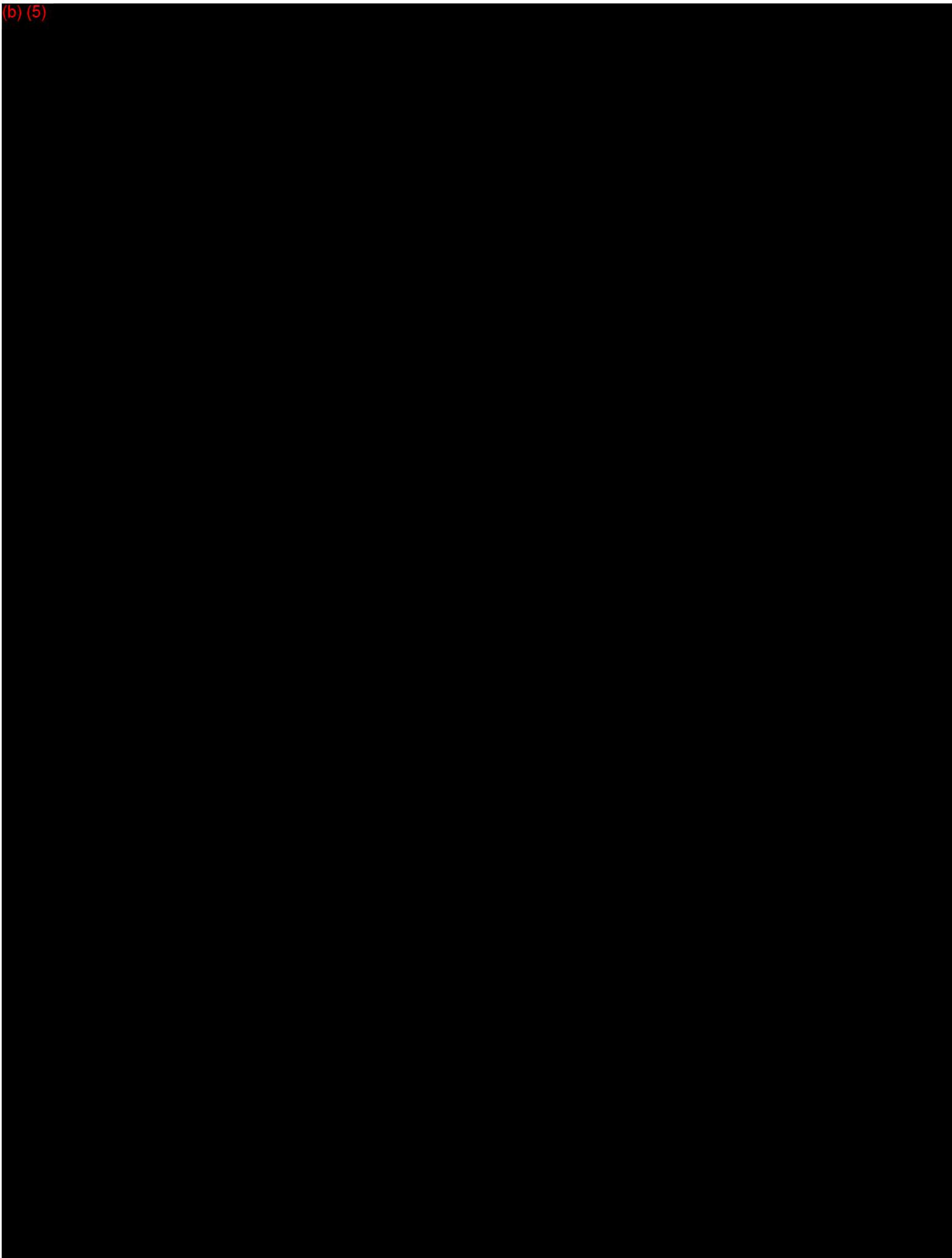
(b) (6) (Desk)

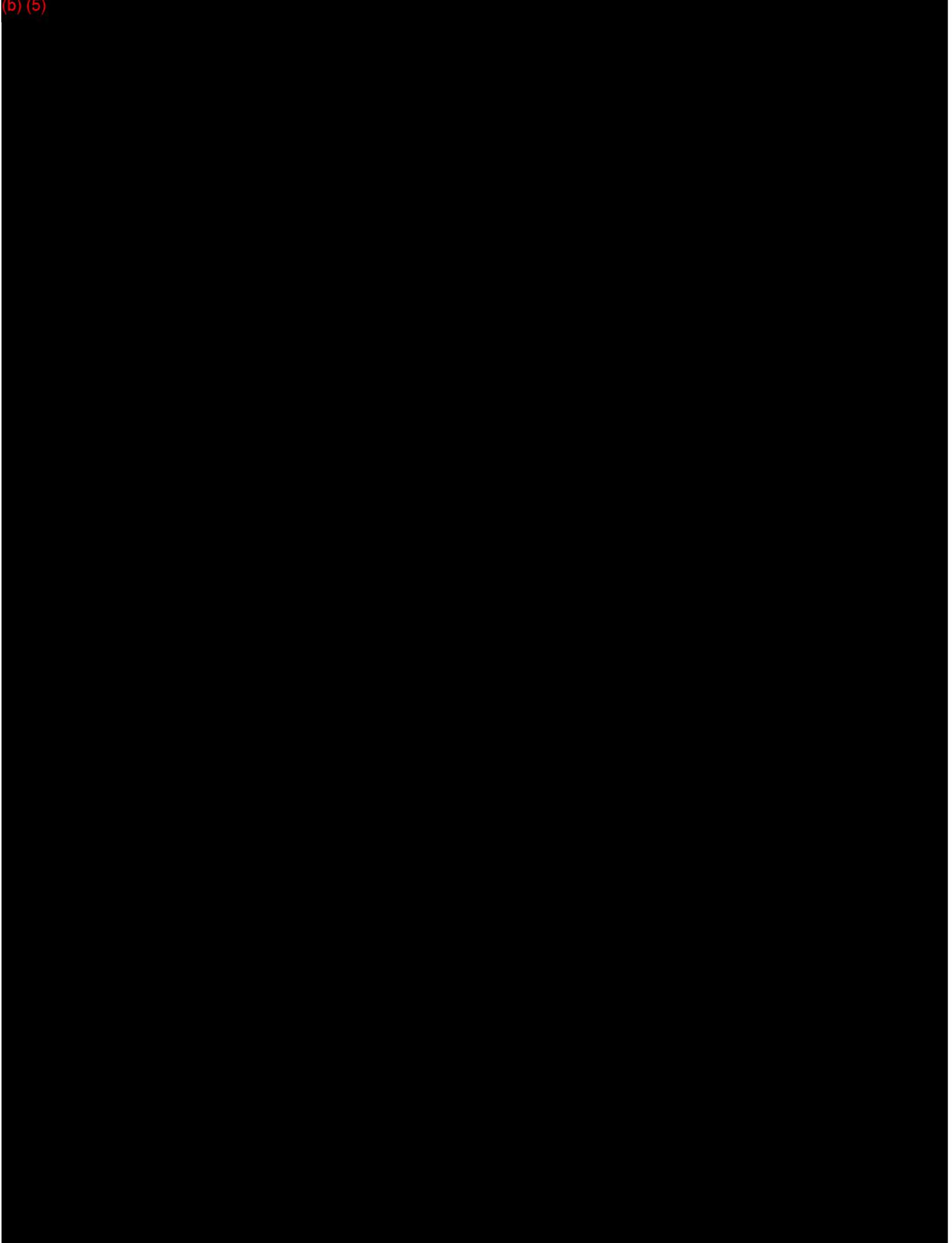
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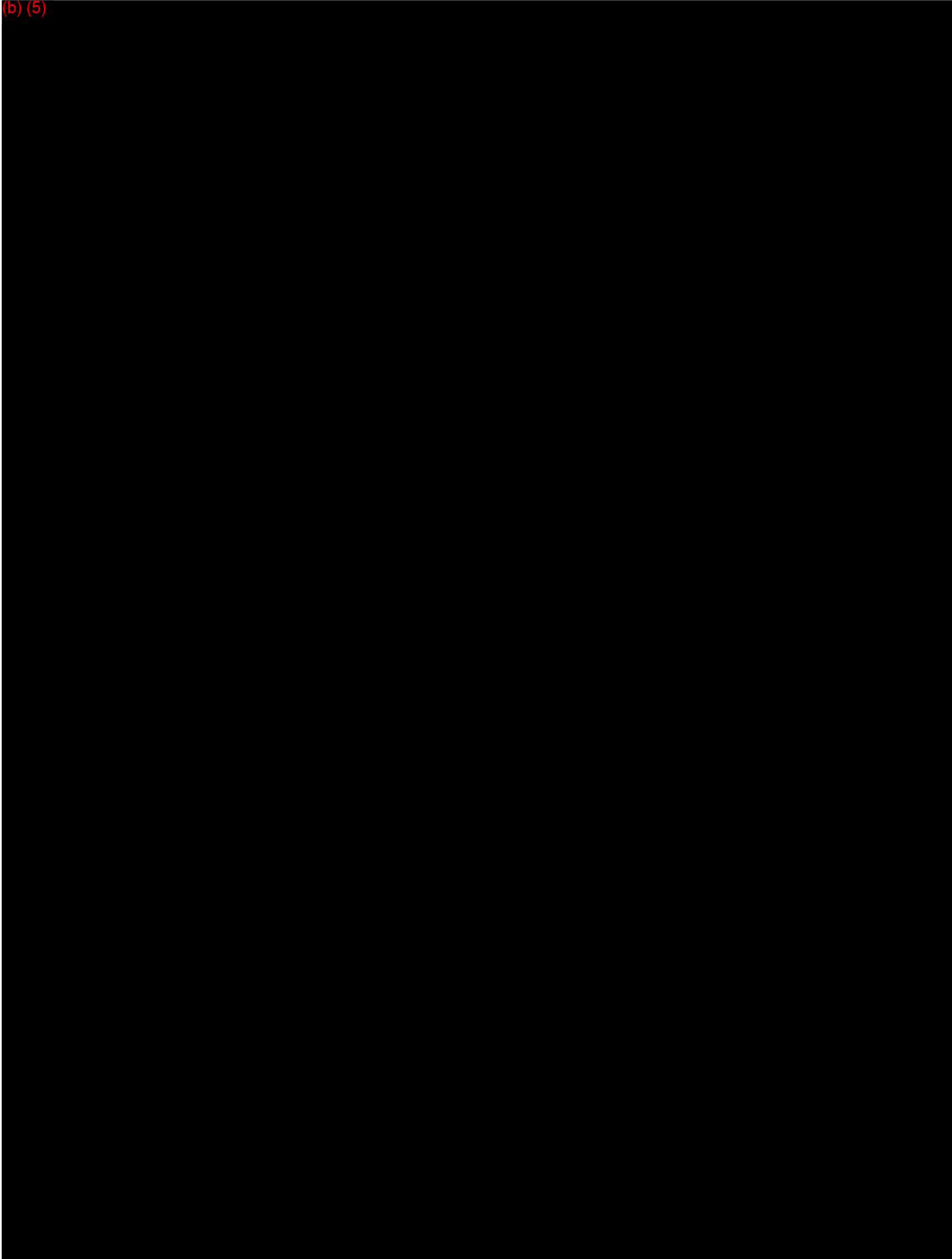
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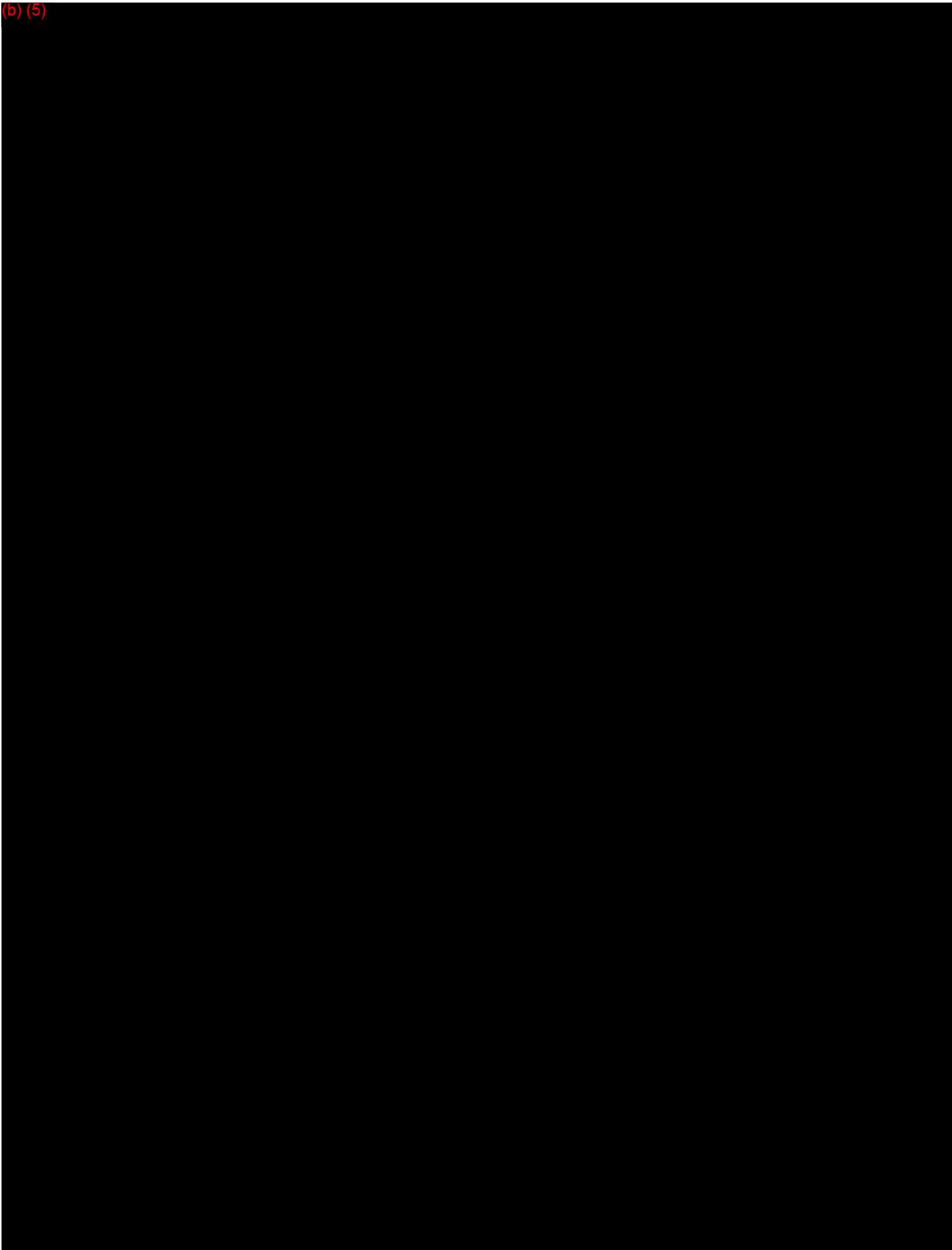


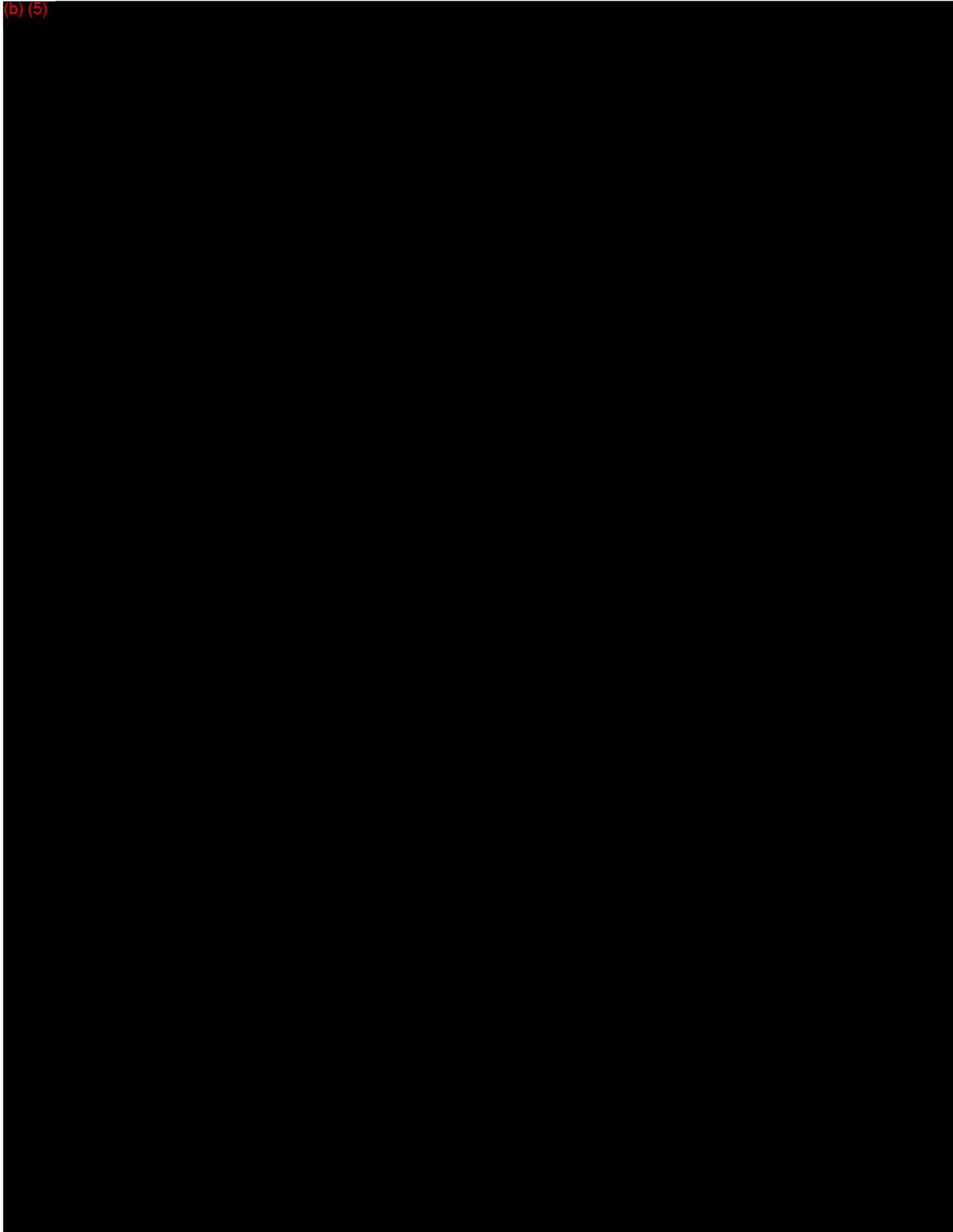


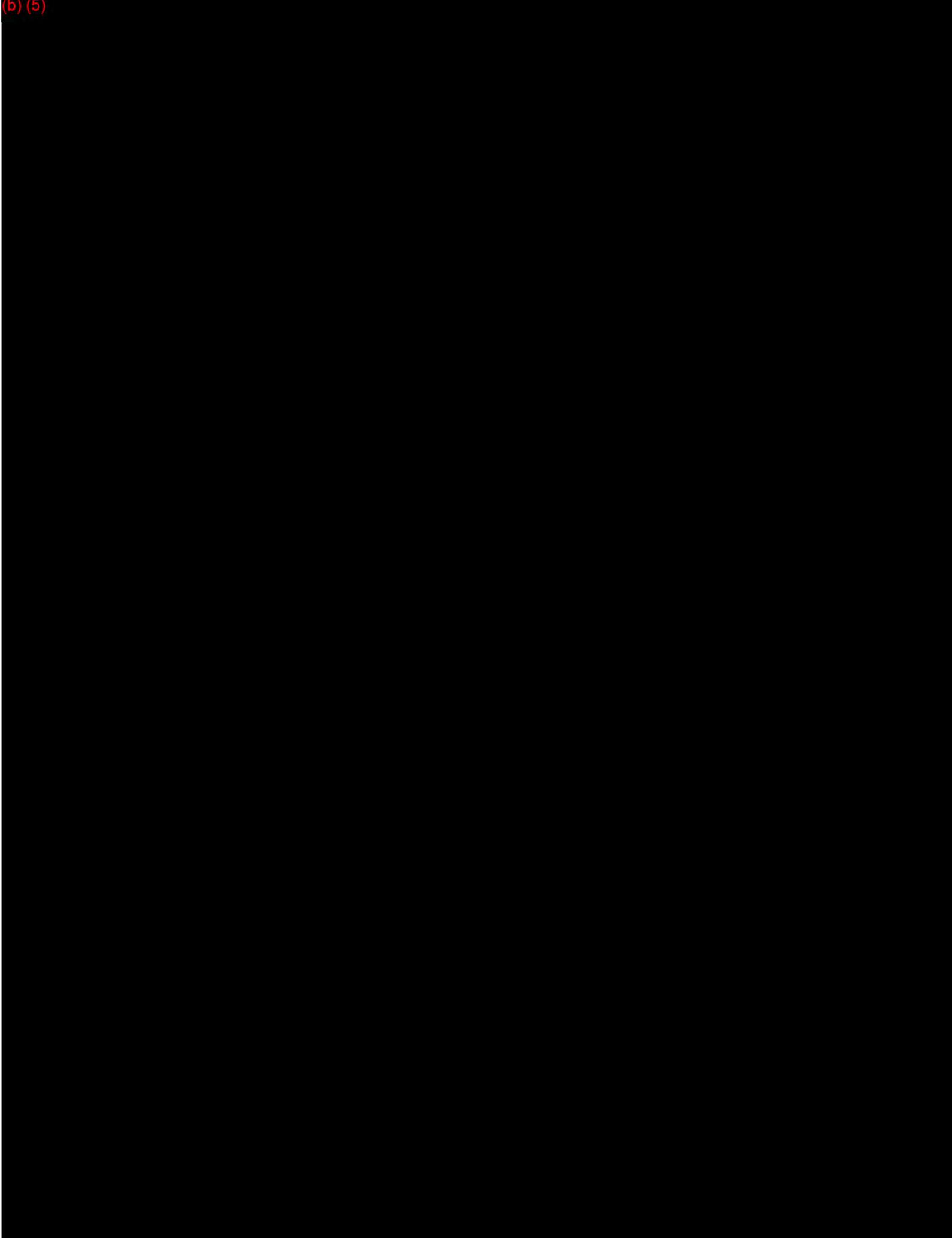


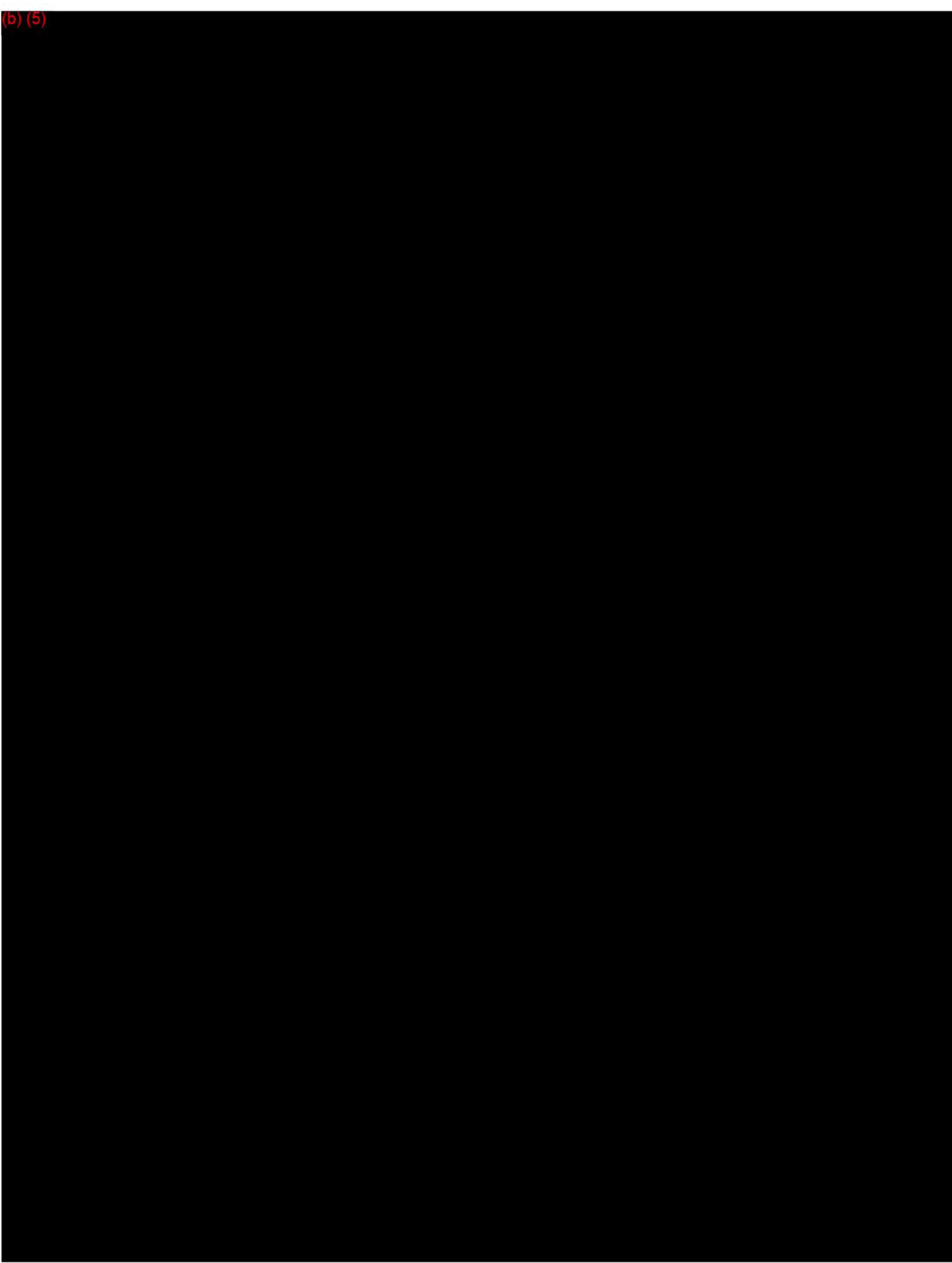


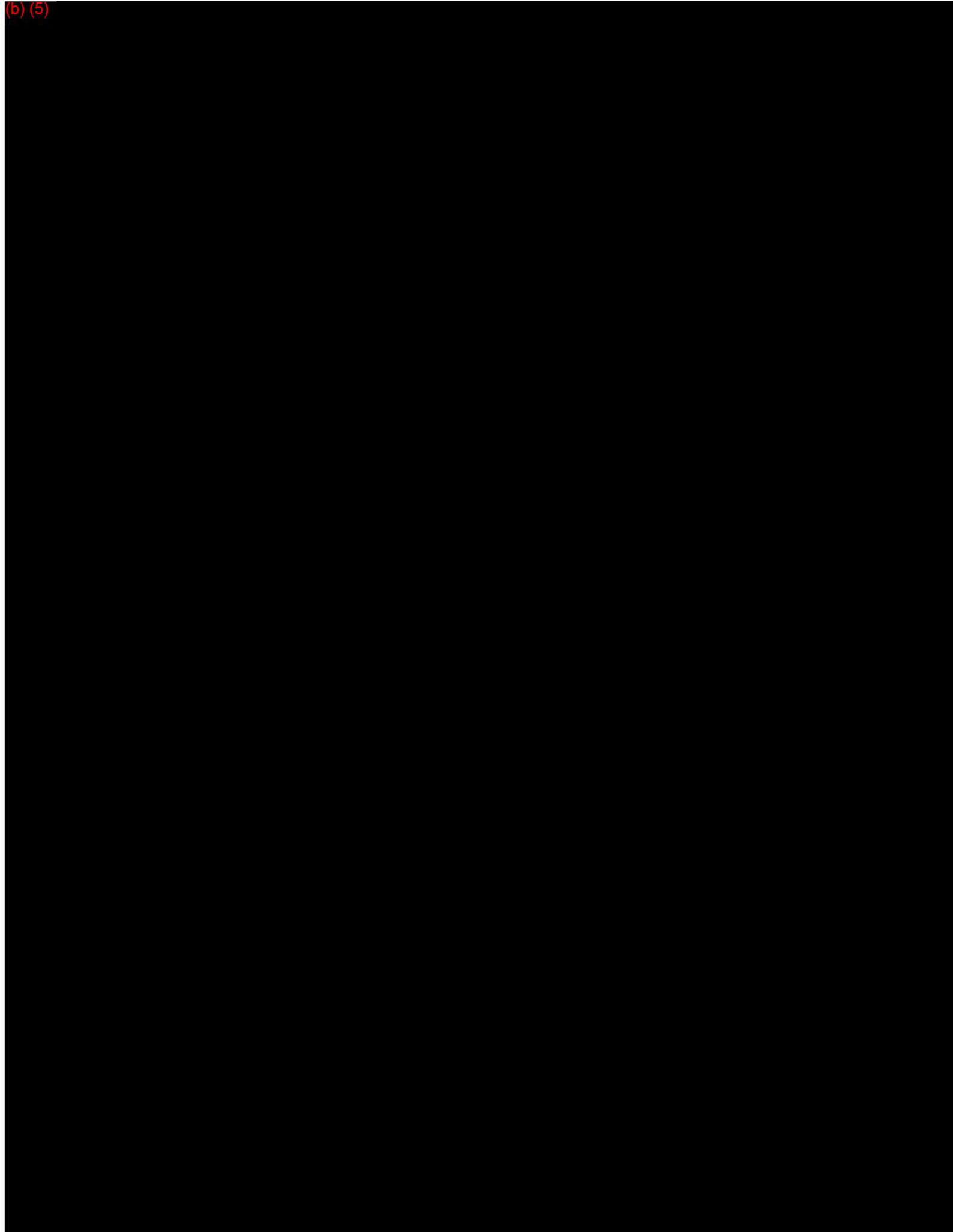


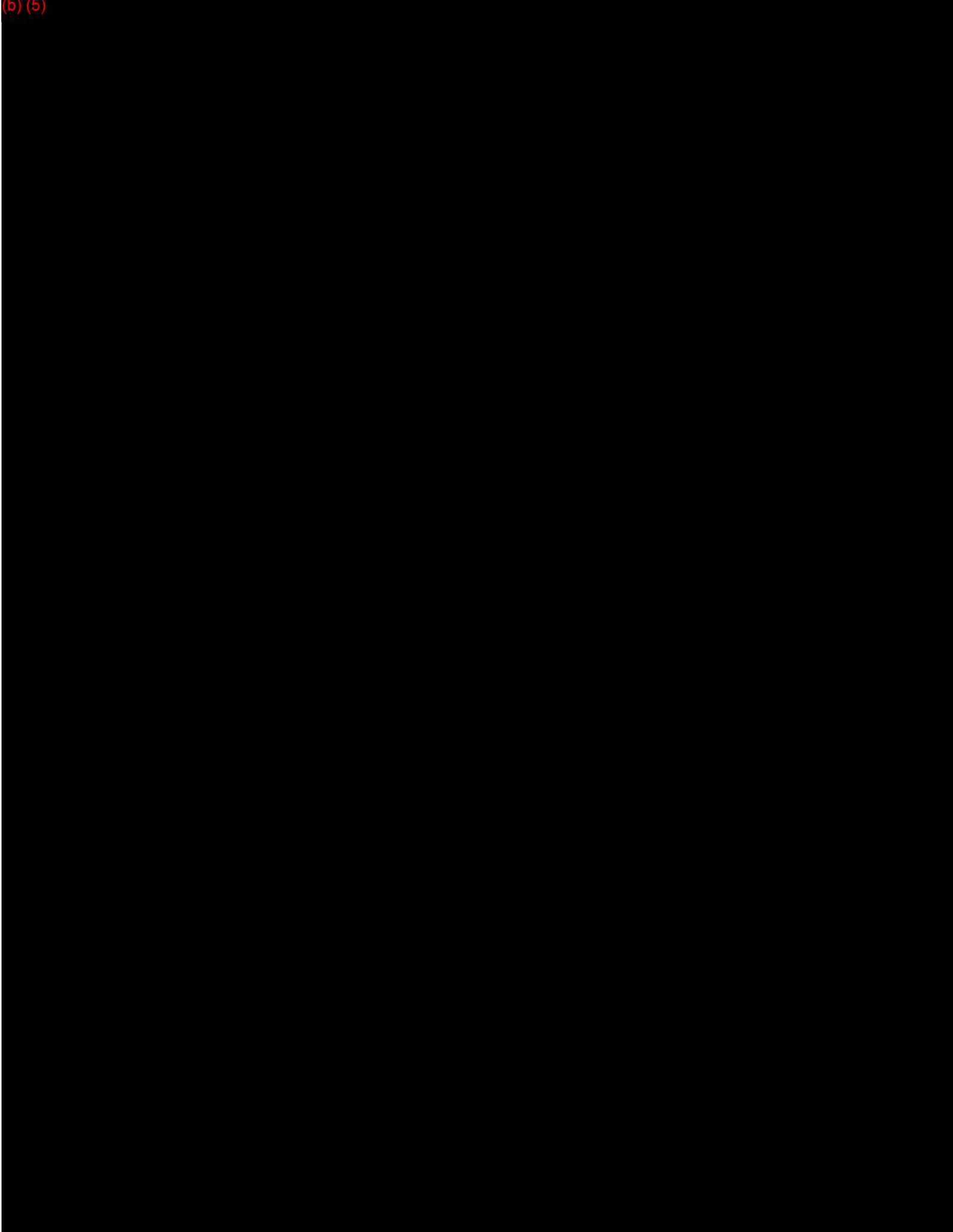


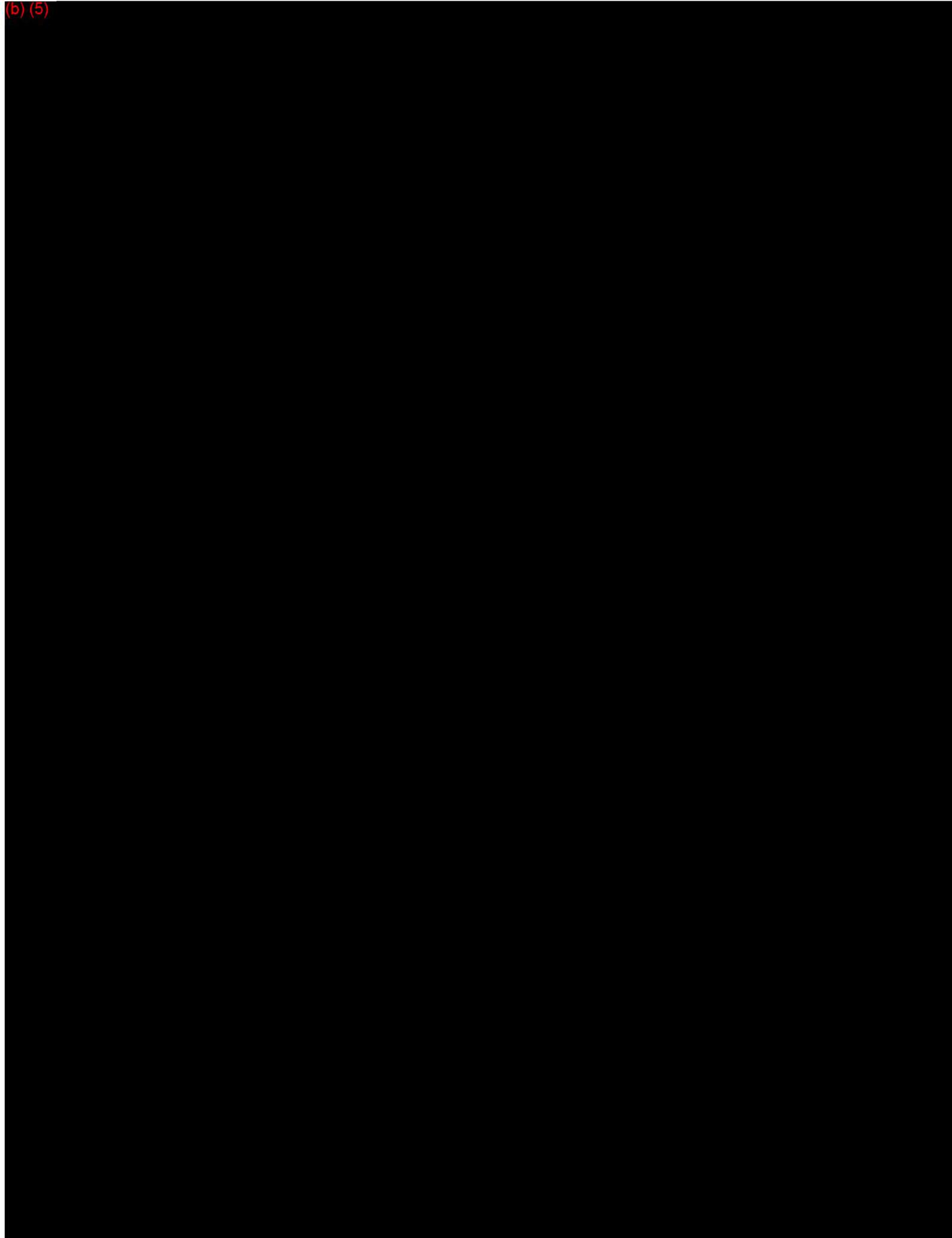


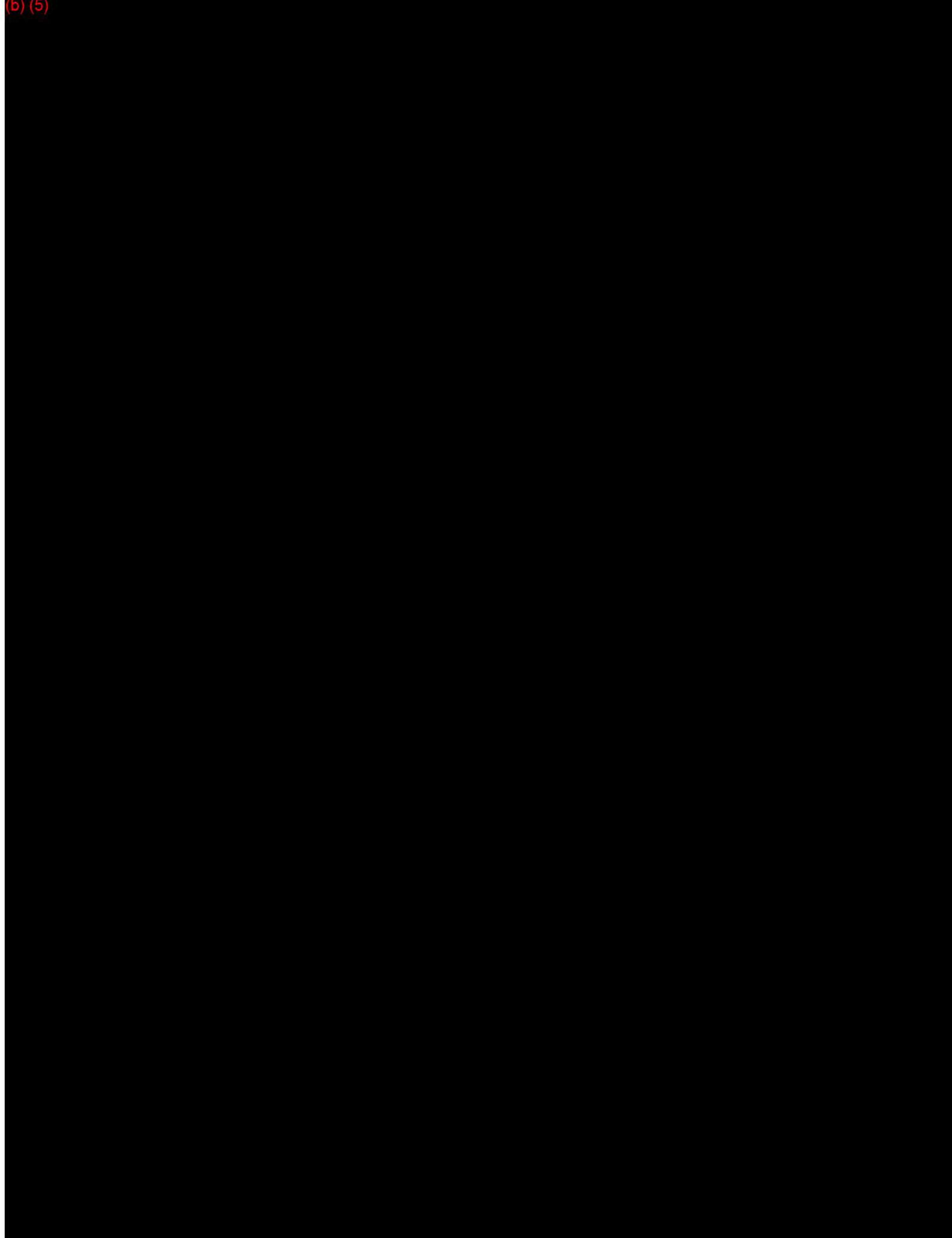


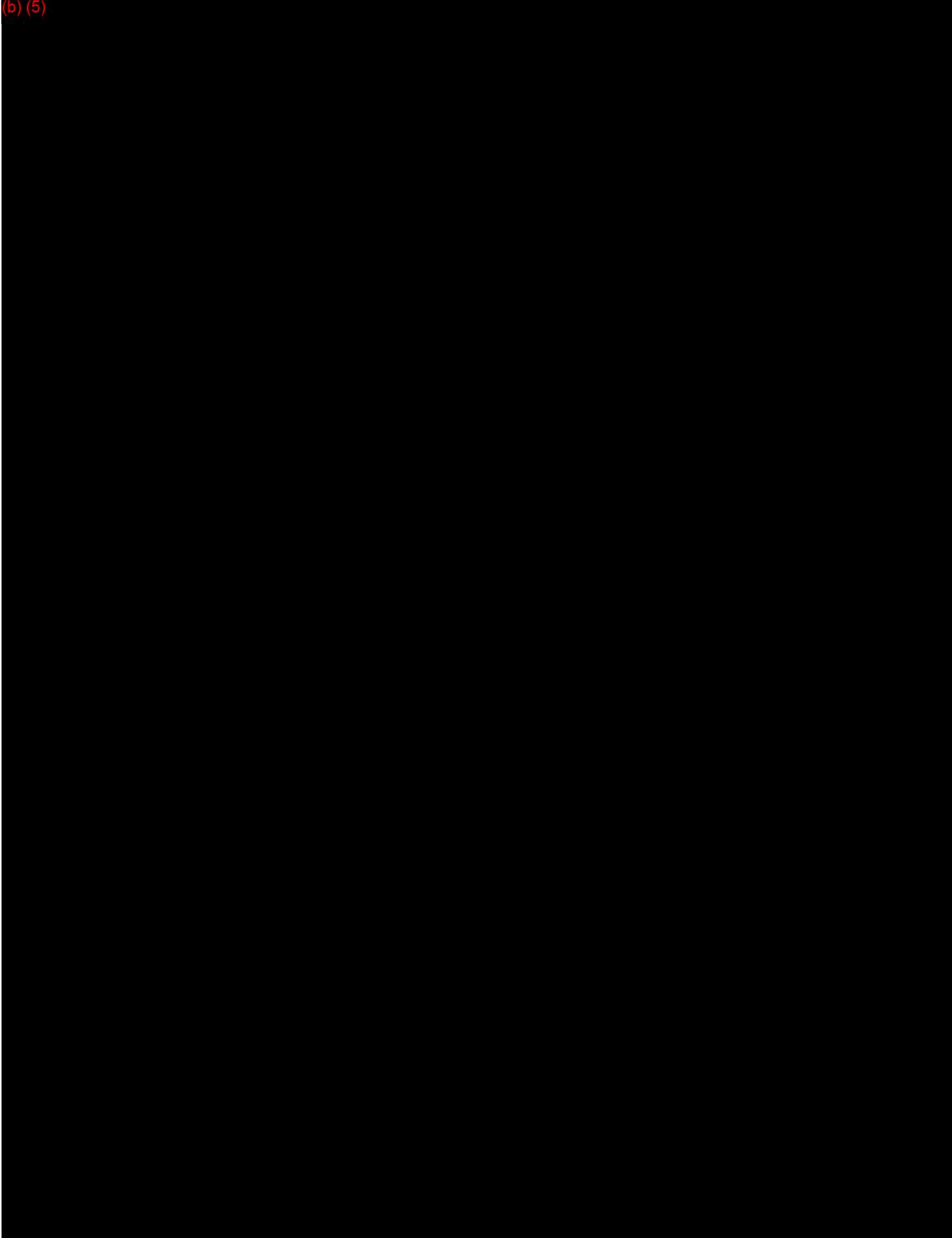


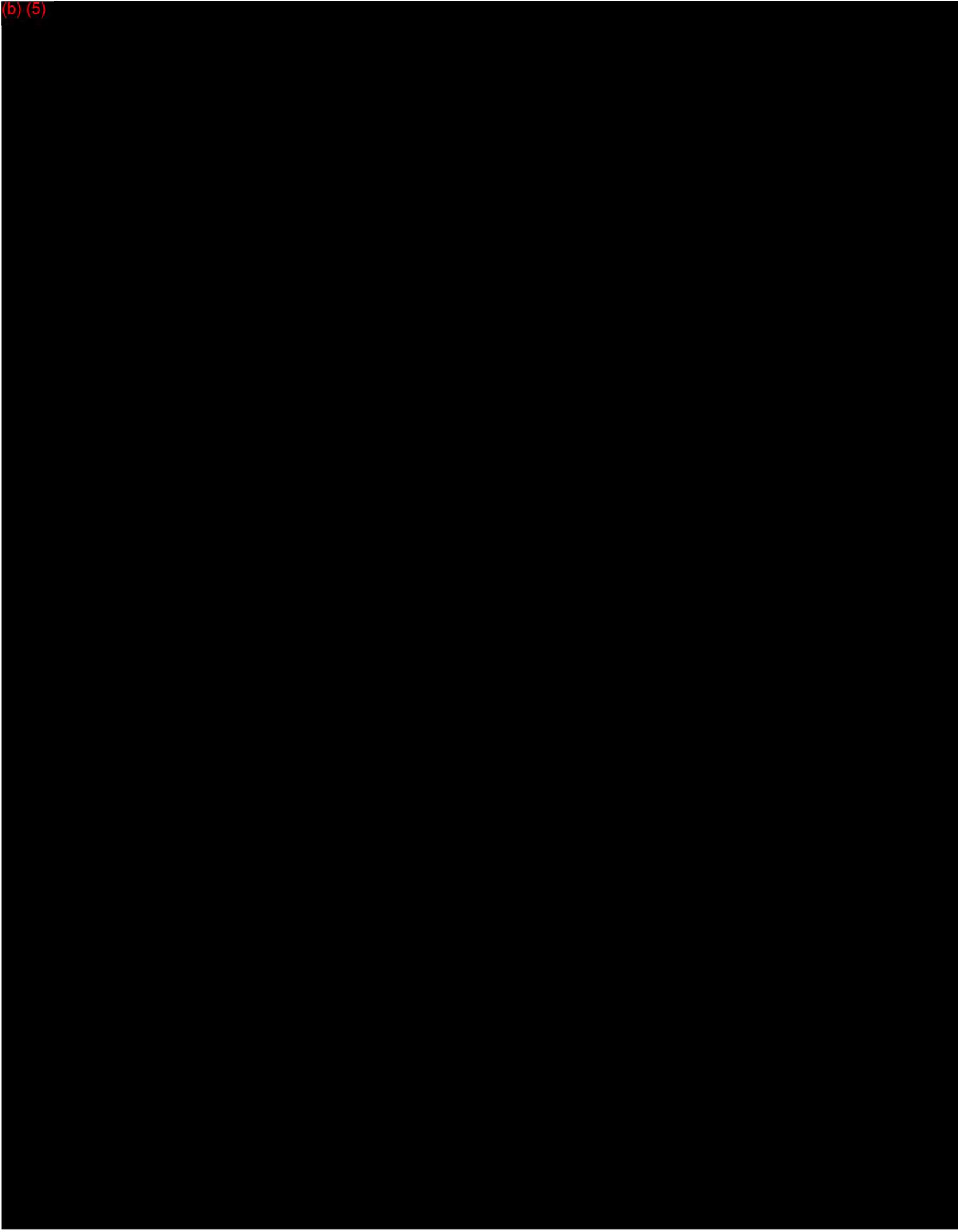


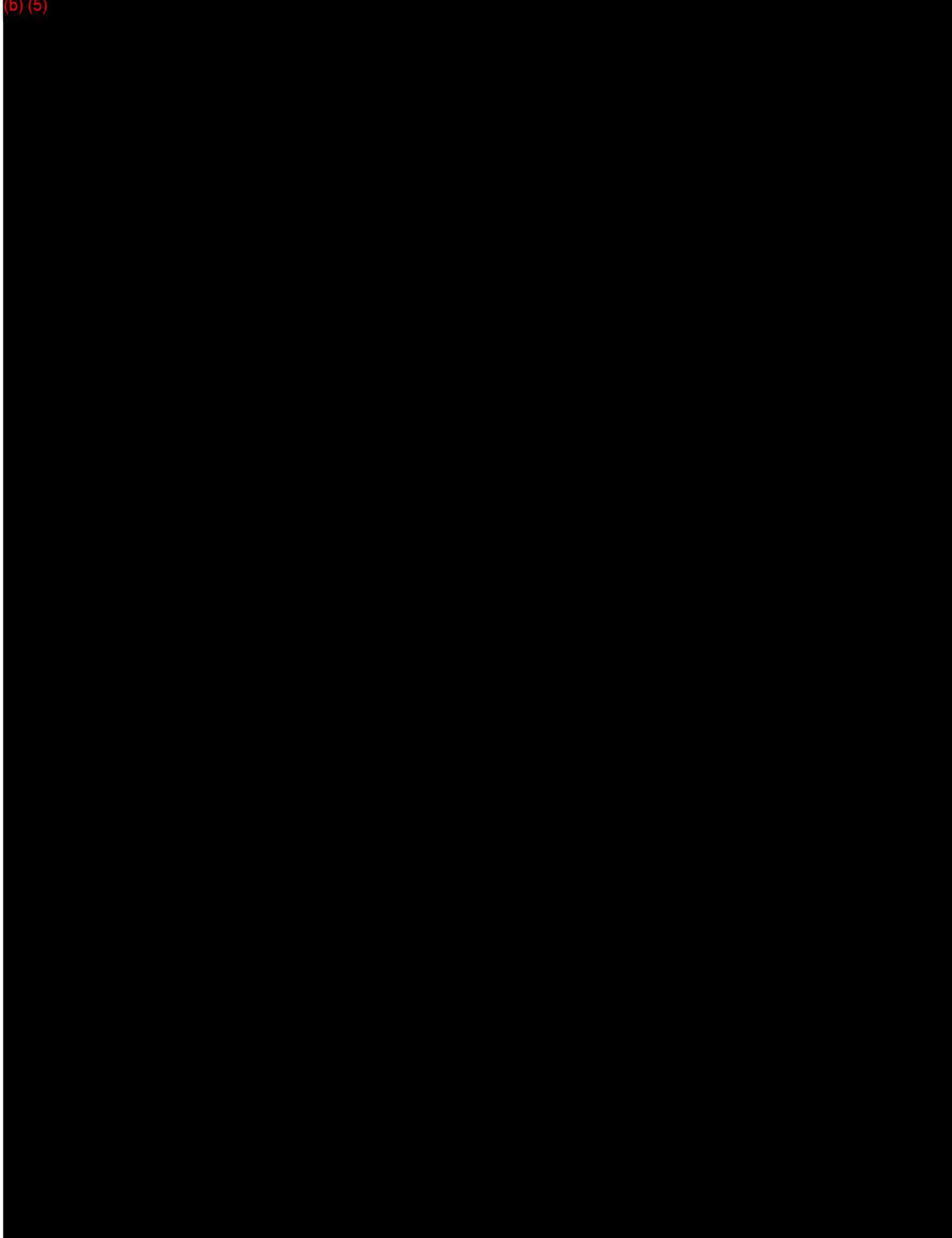


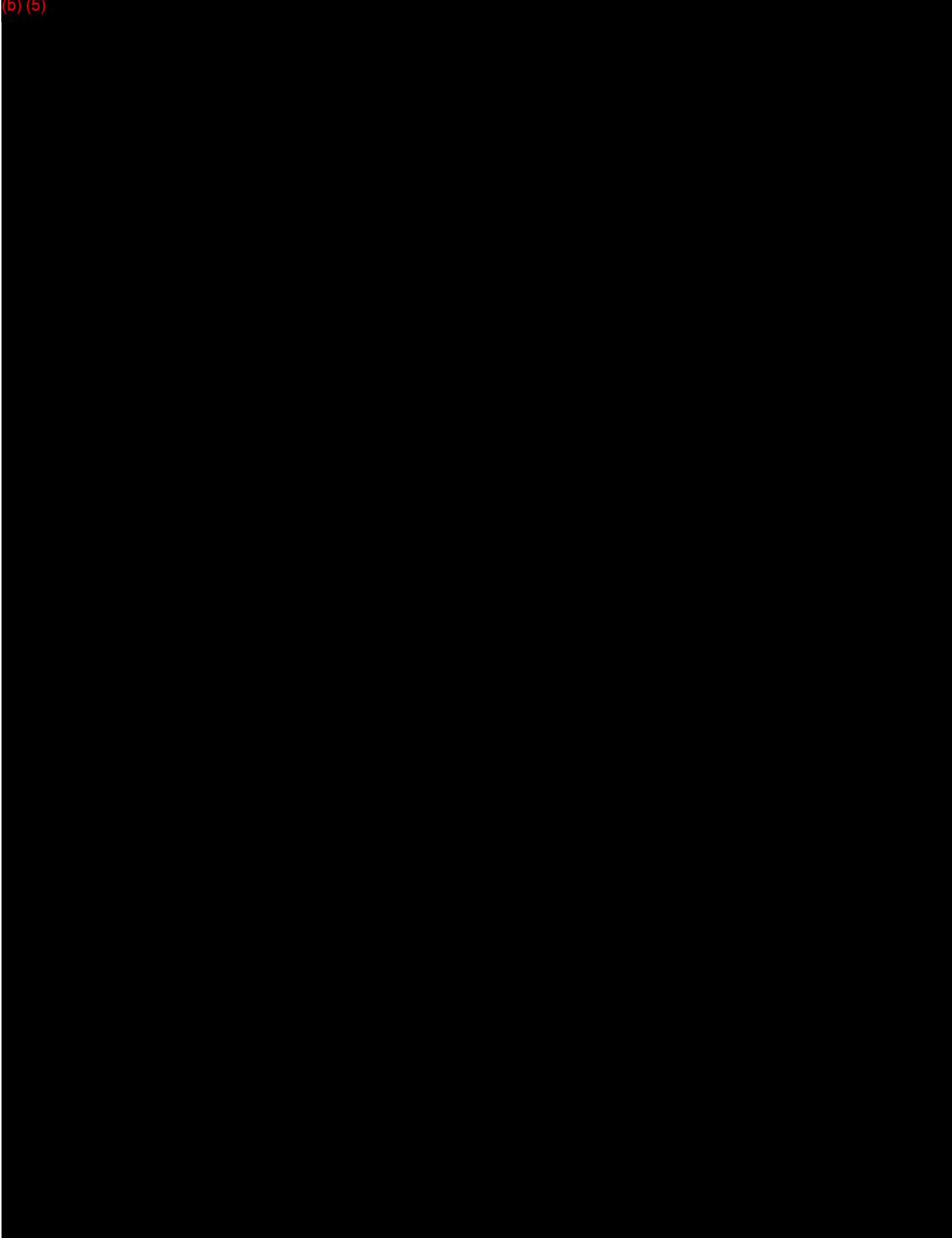


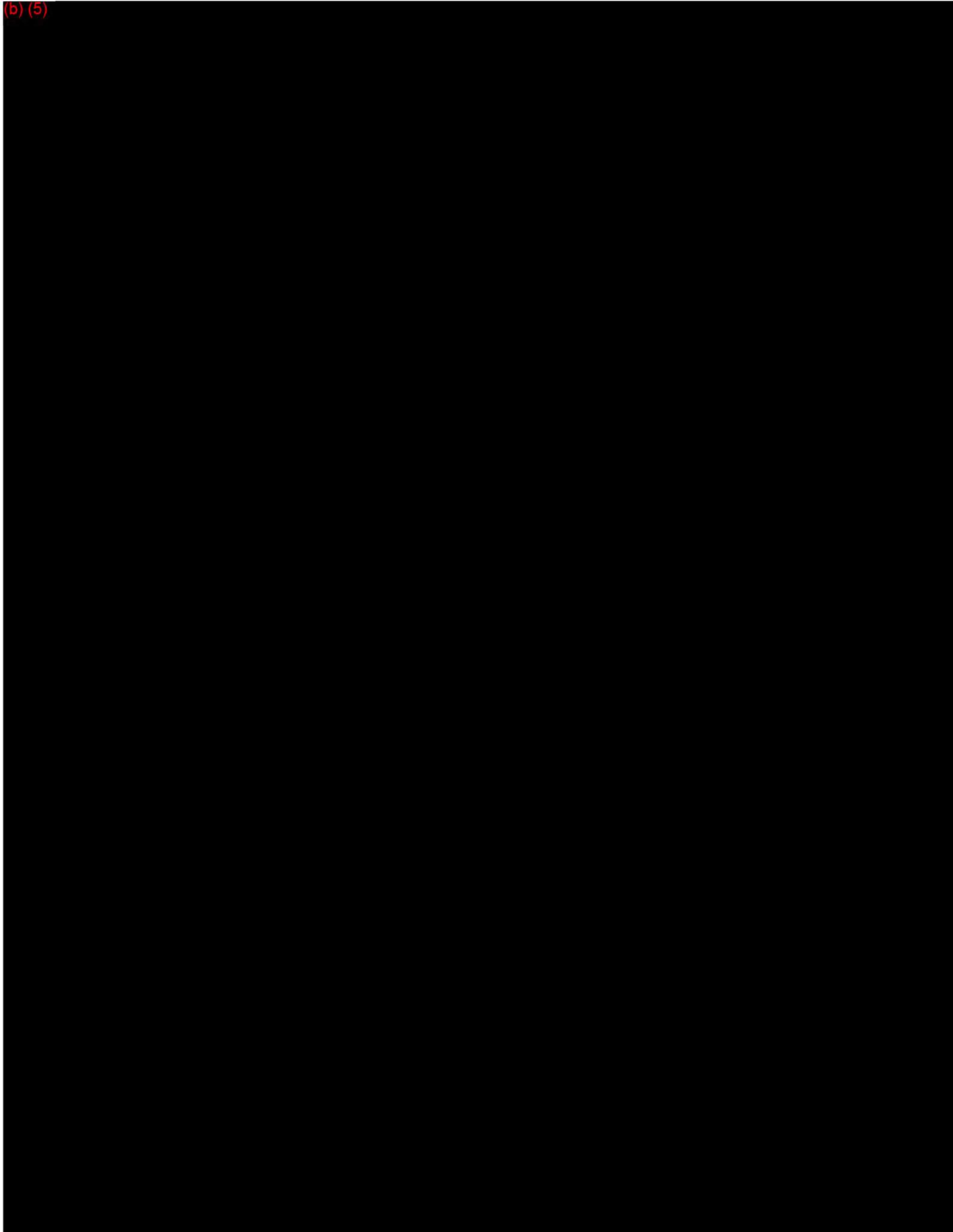


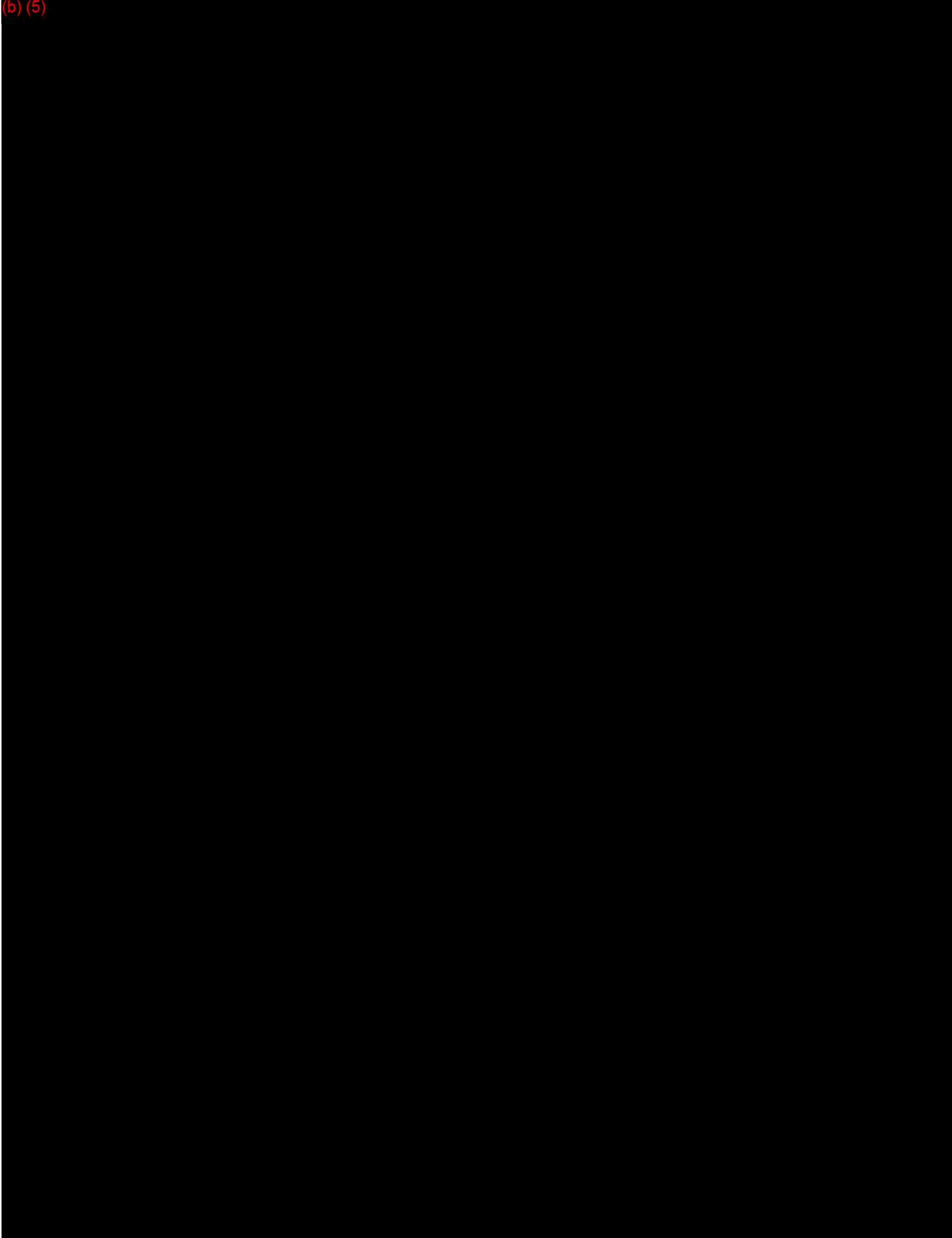


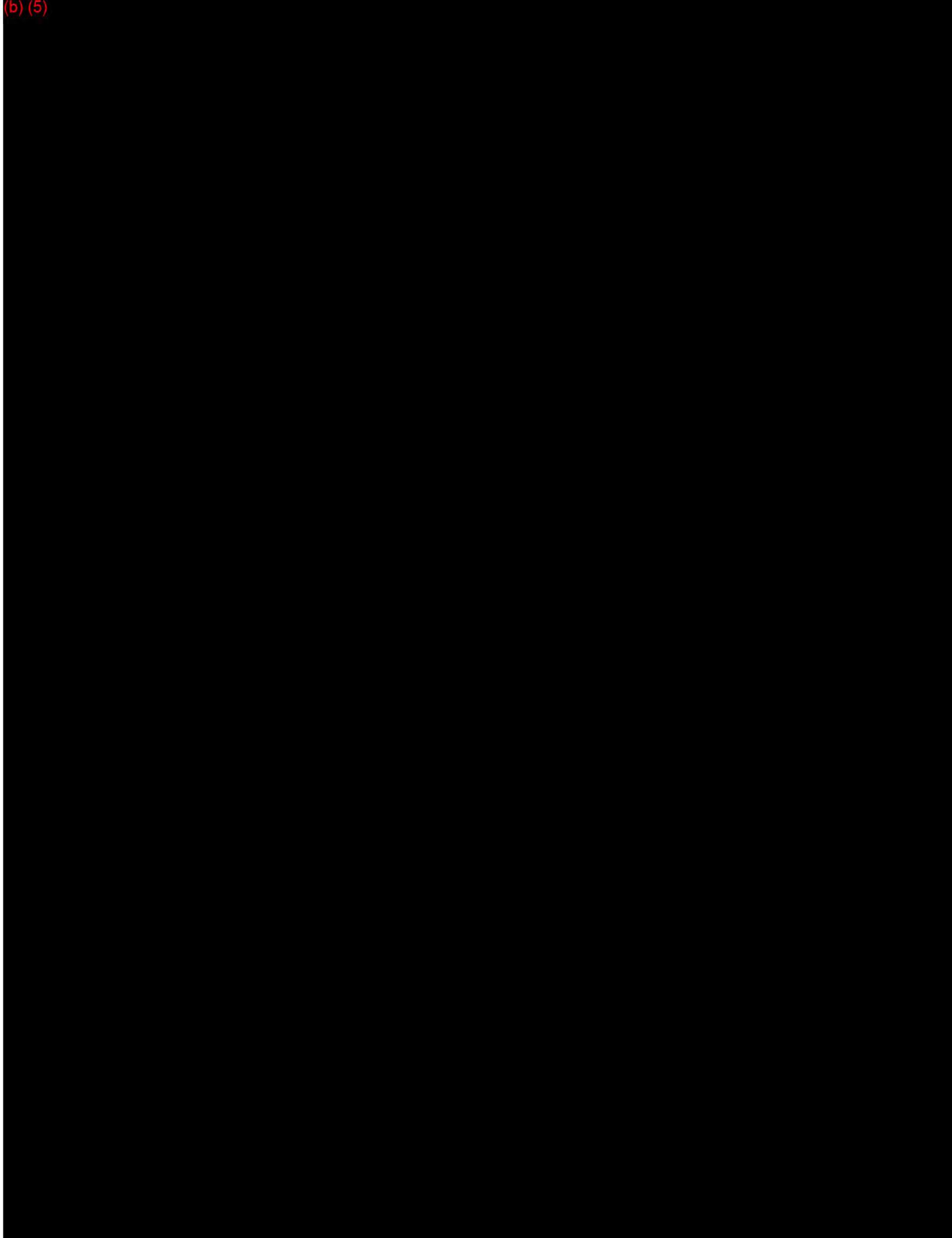


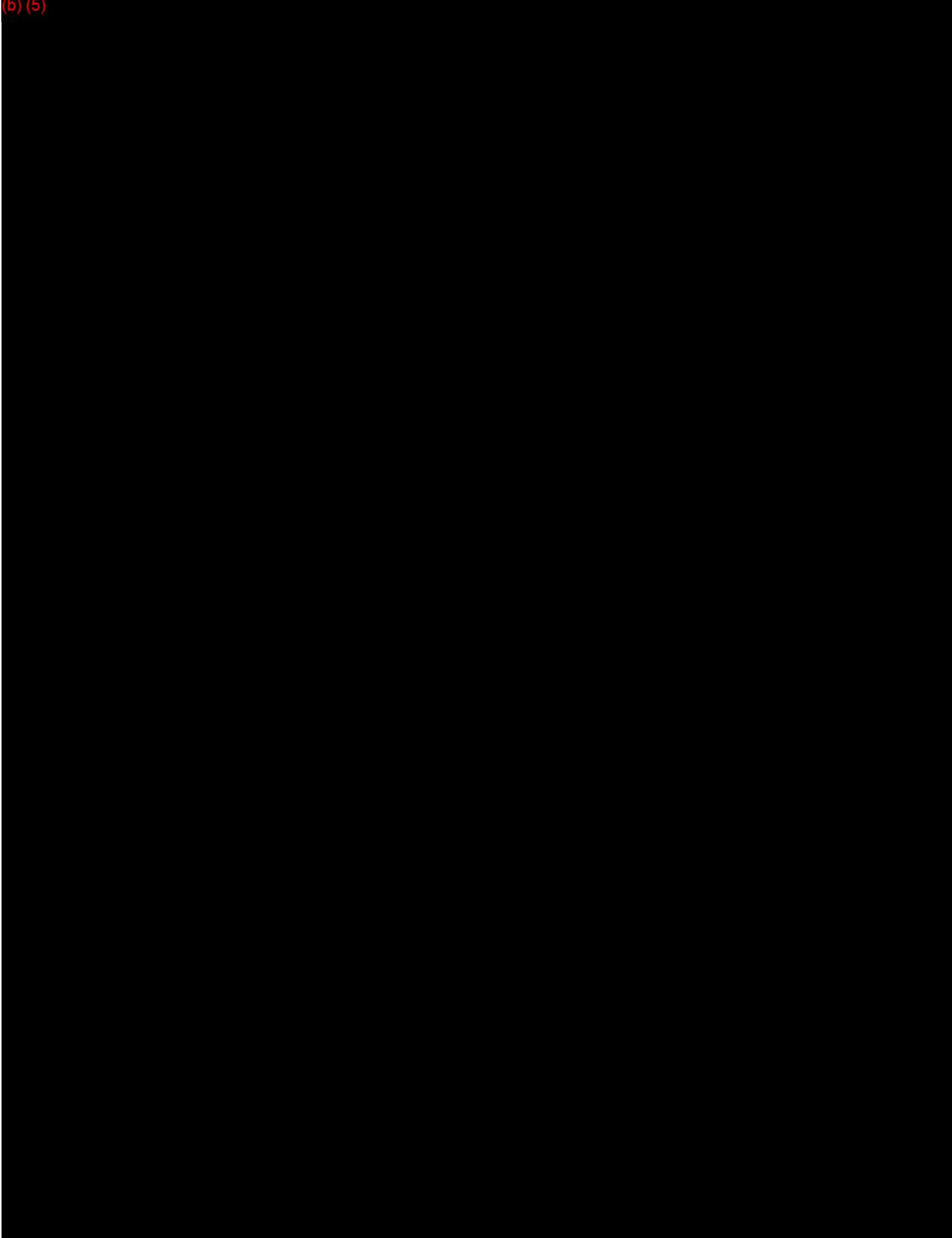


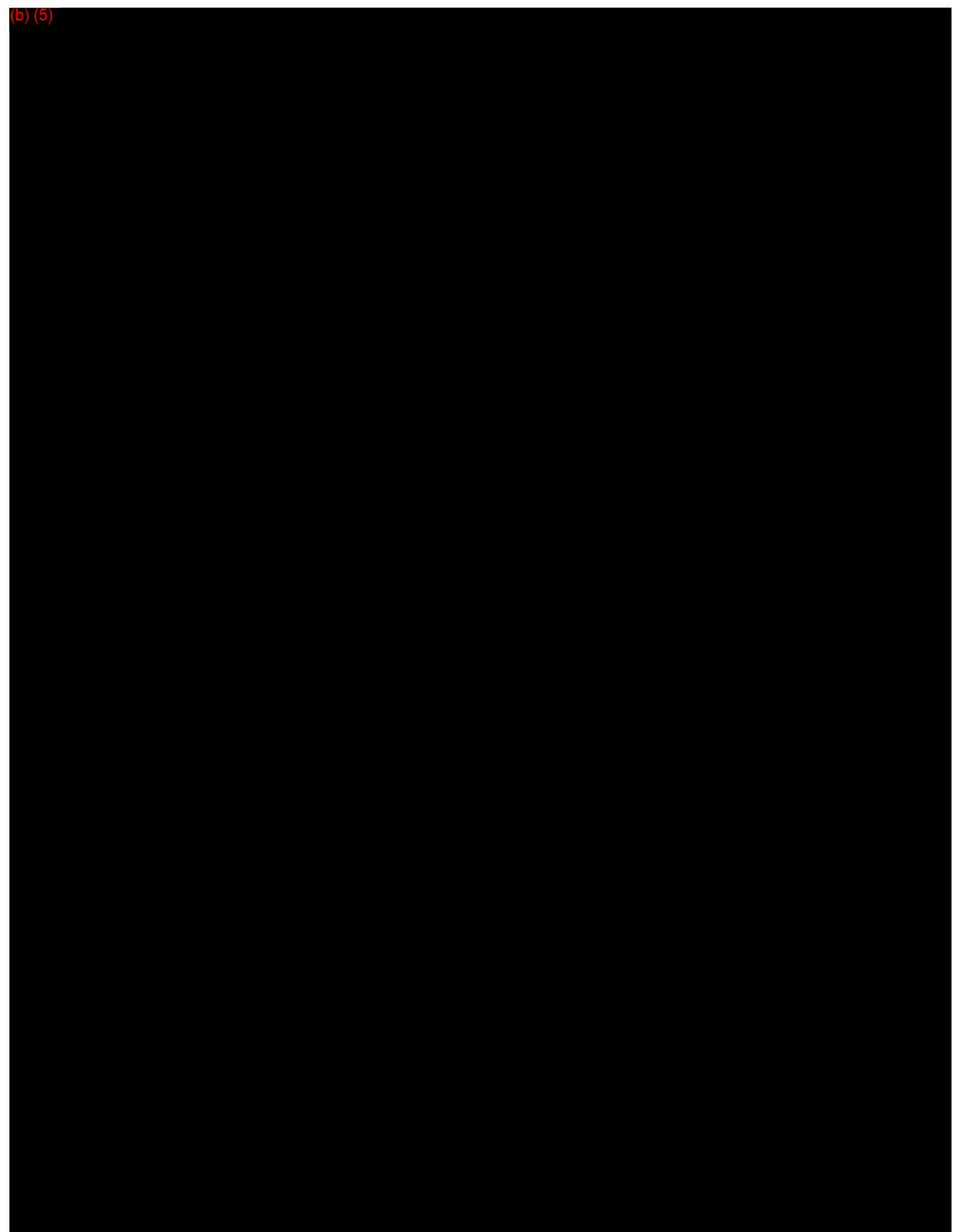




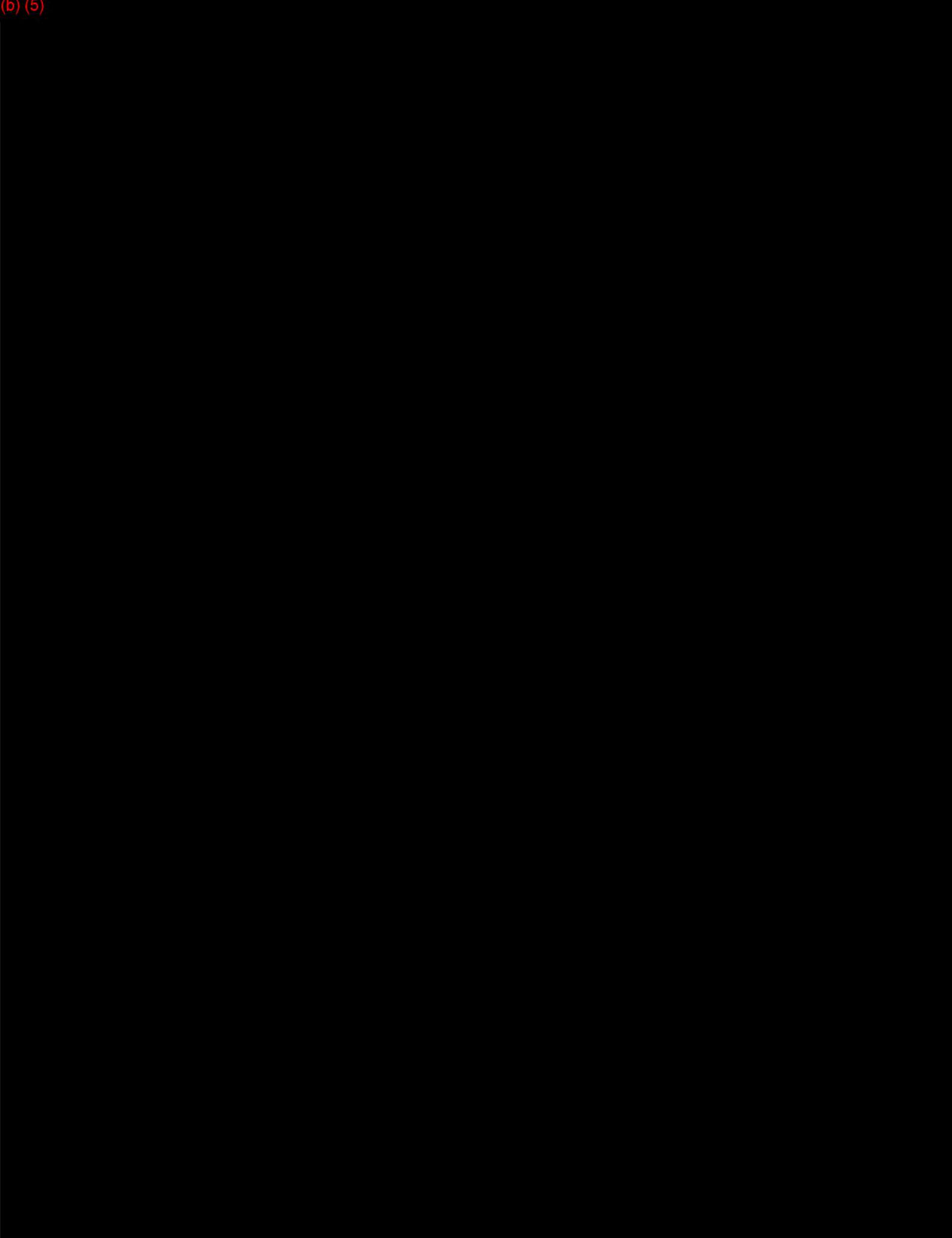


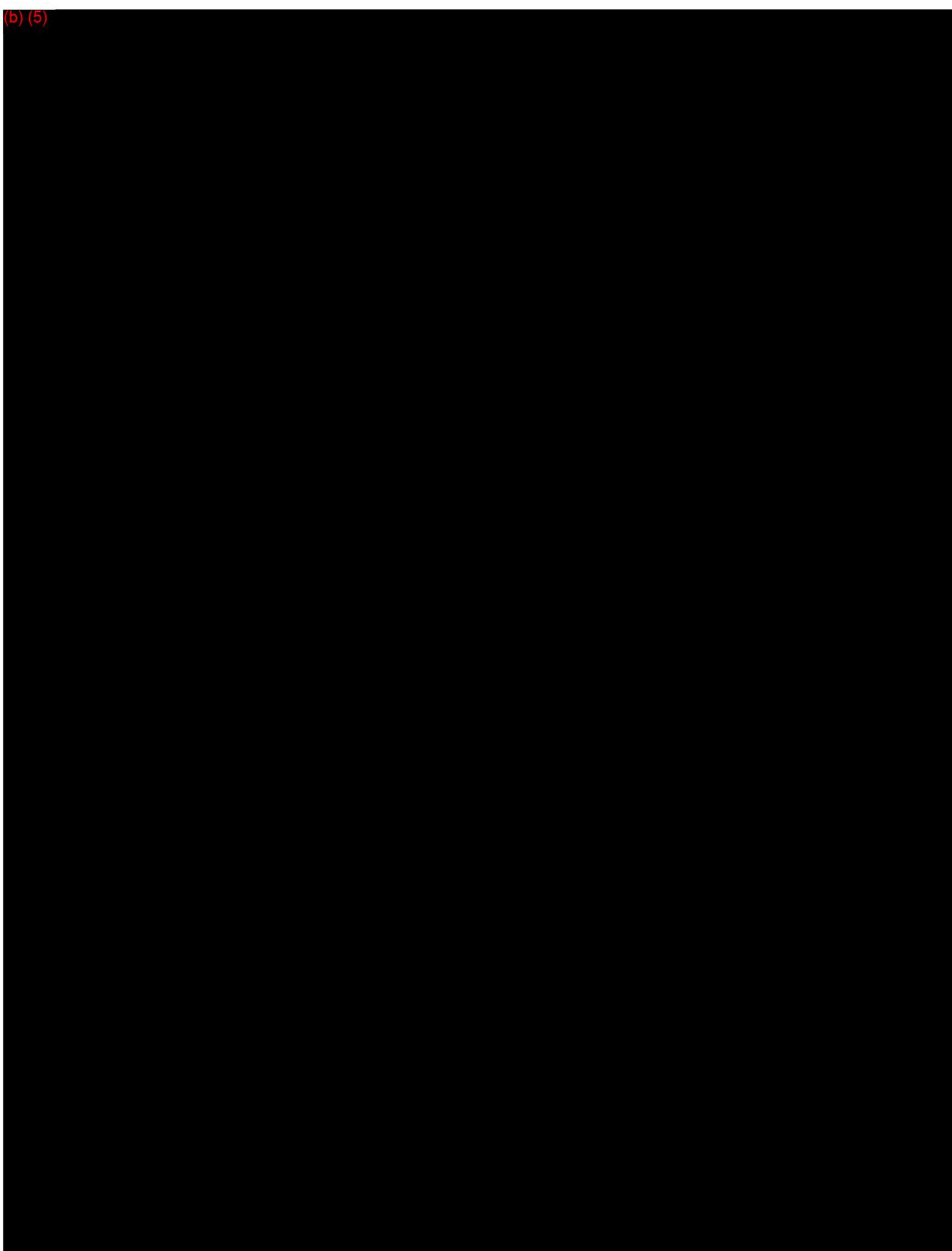


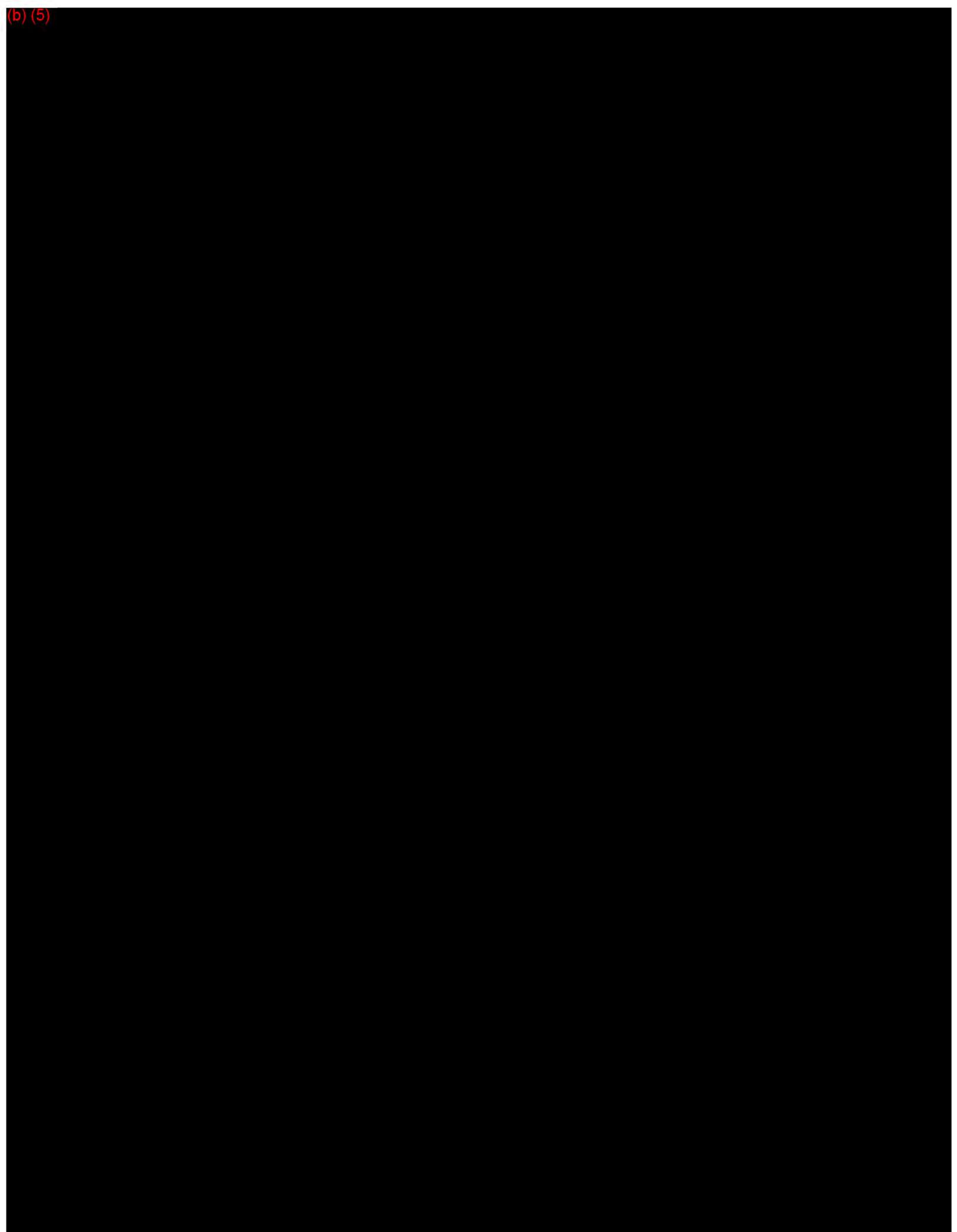




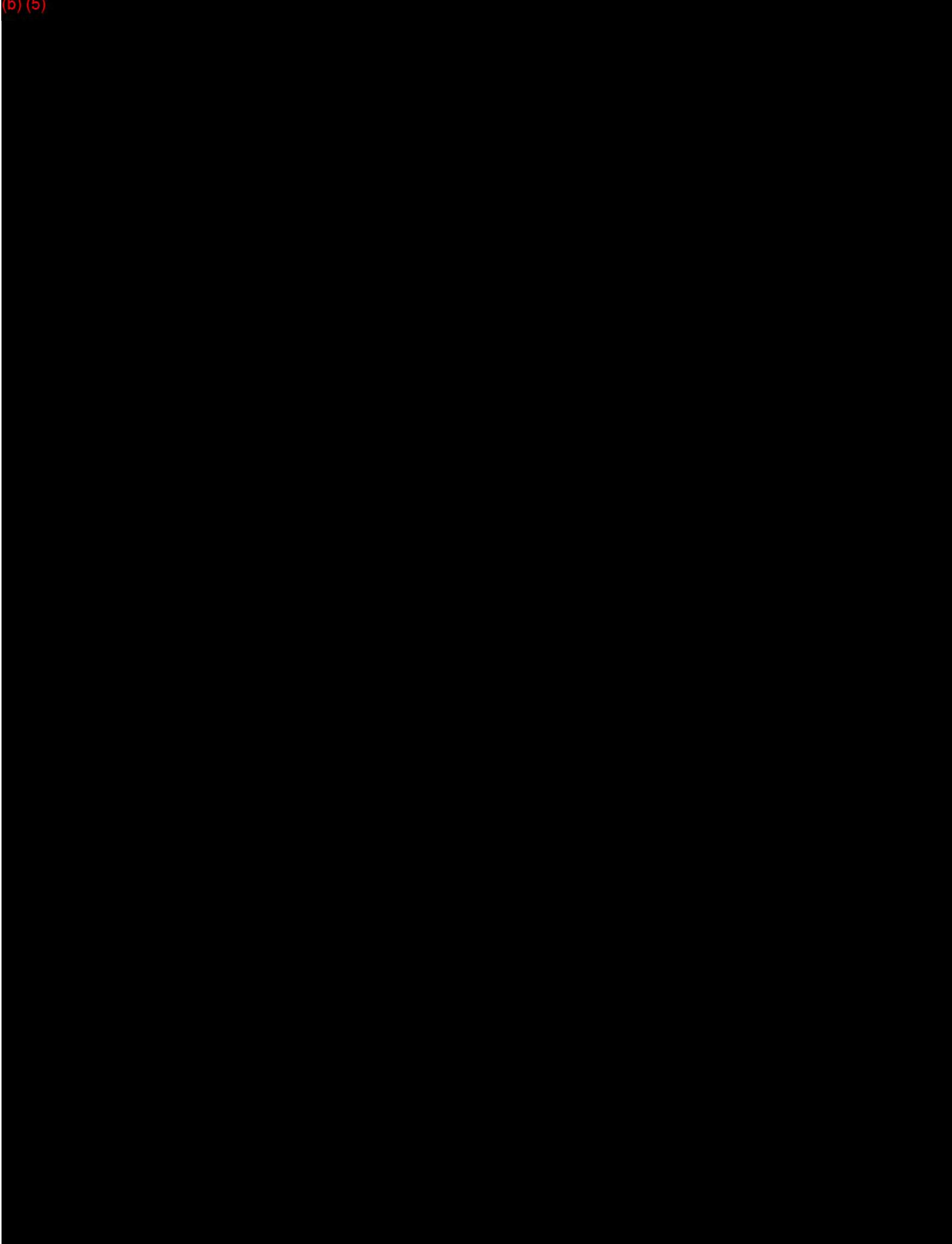
(b) (5)

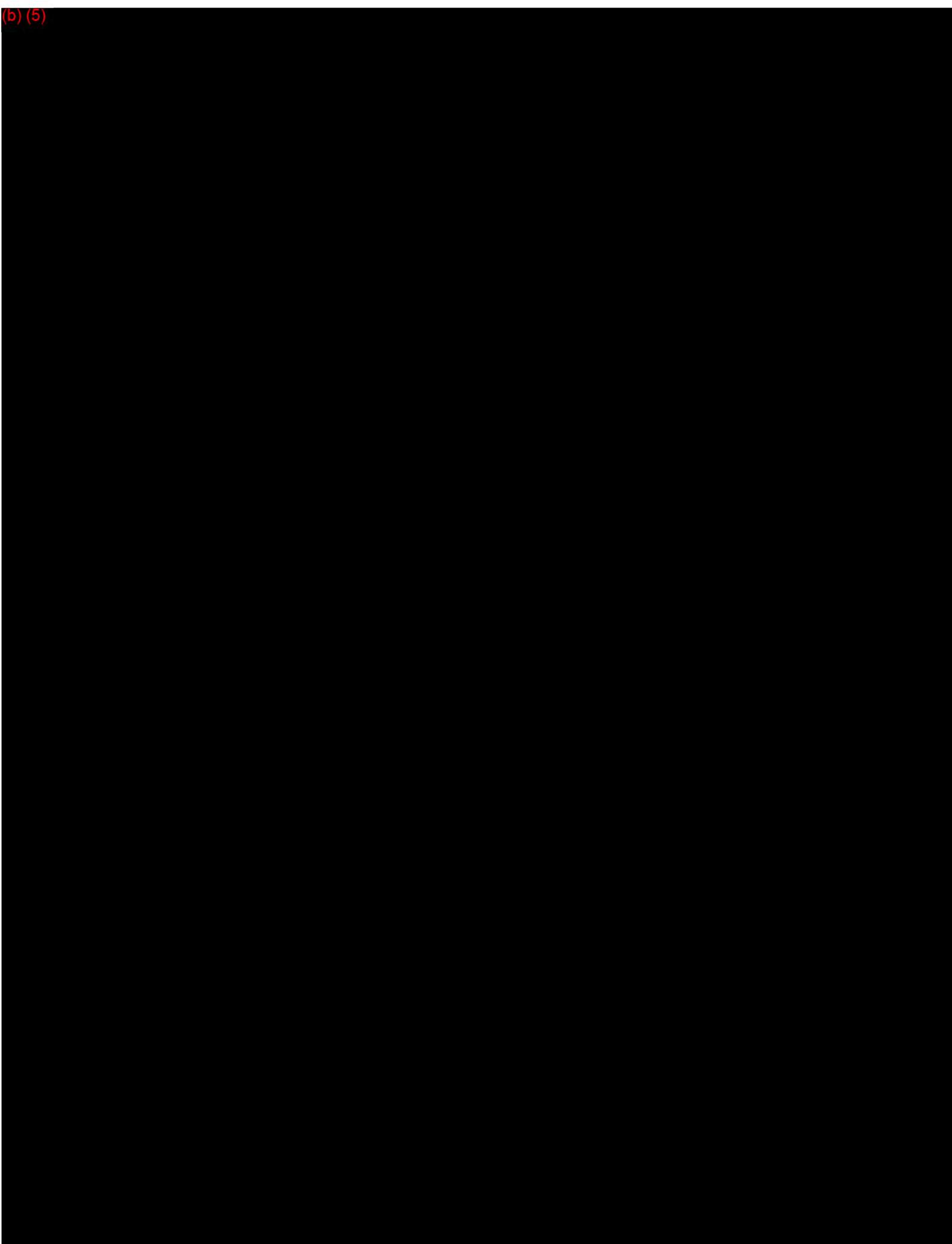


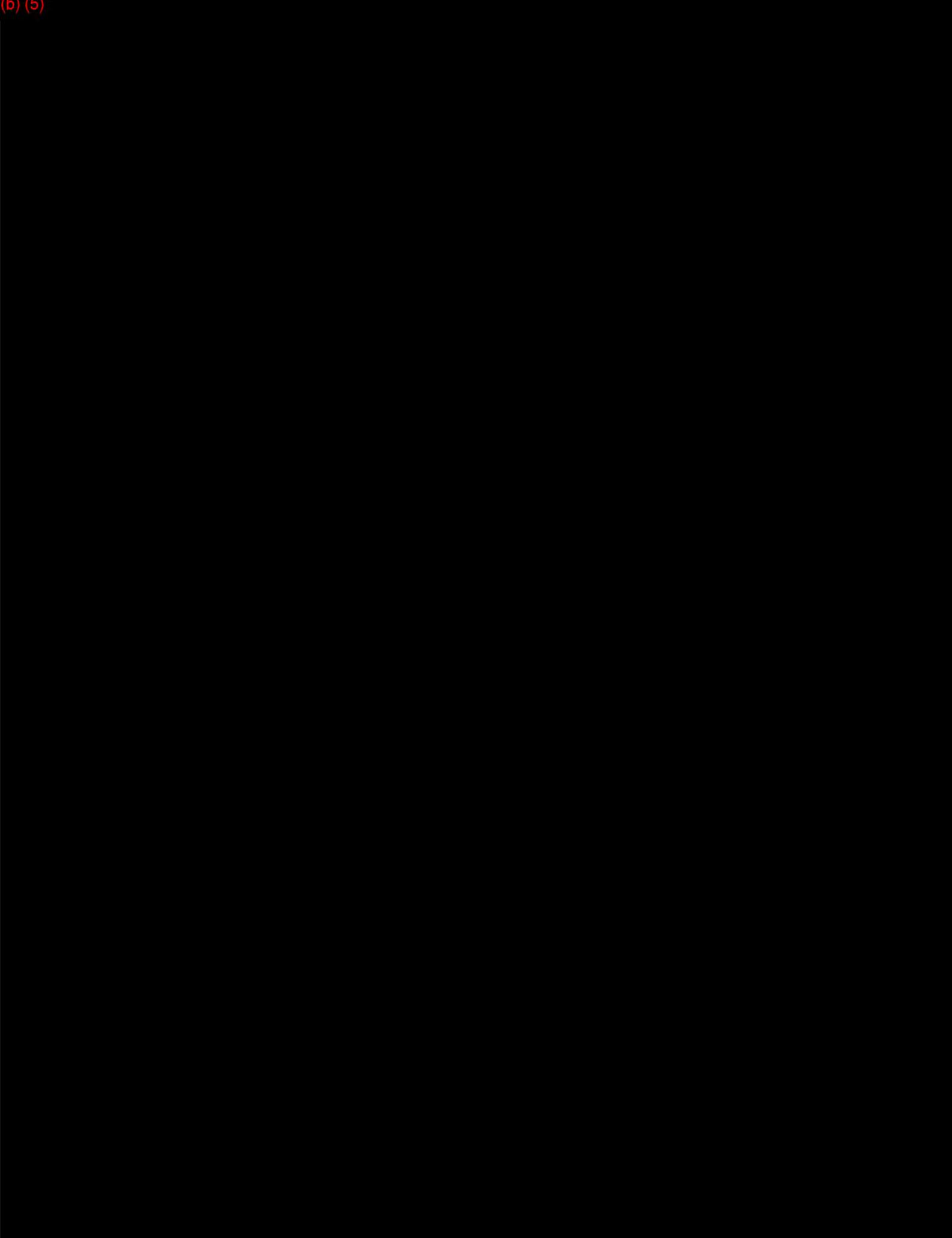


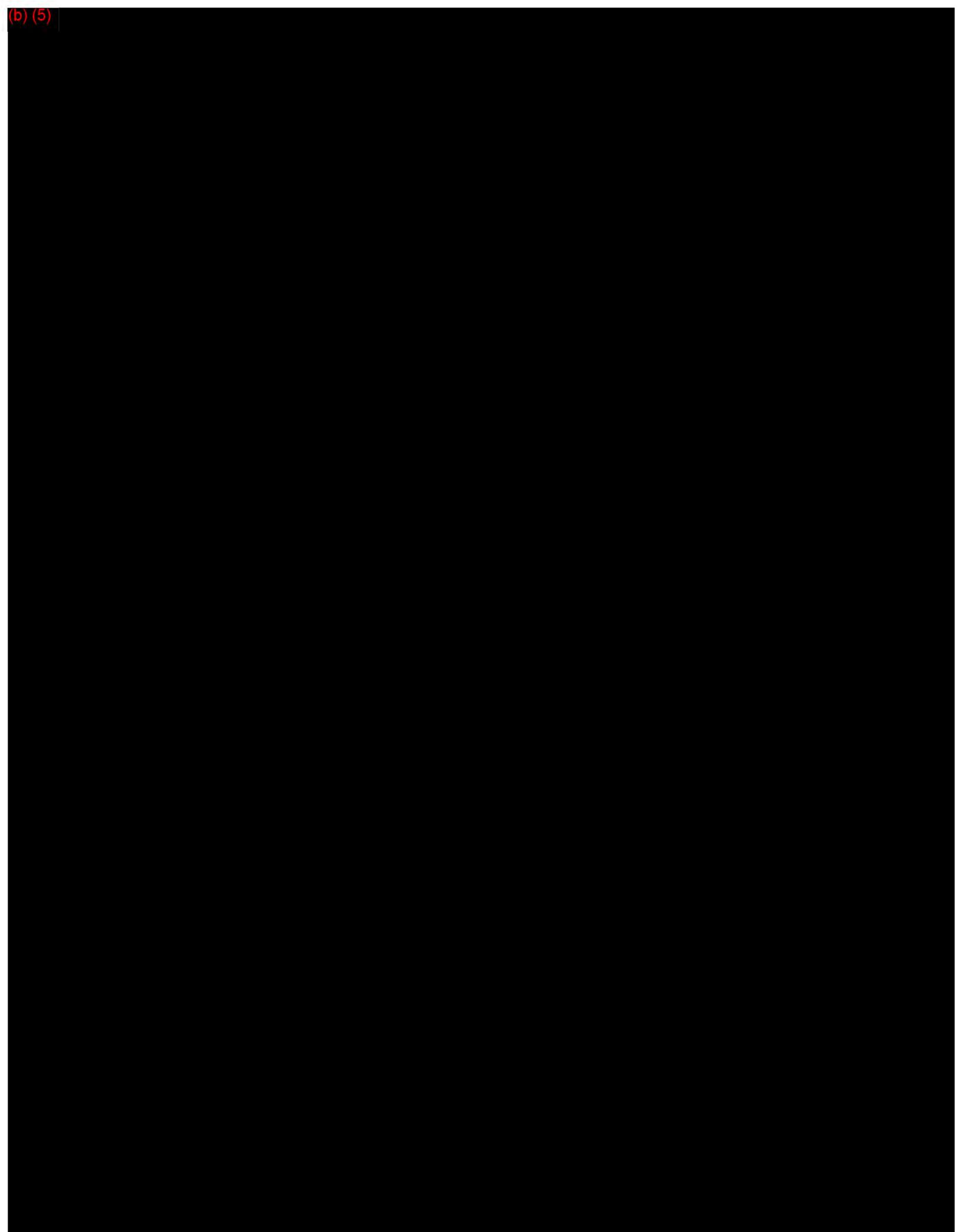


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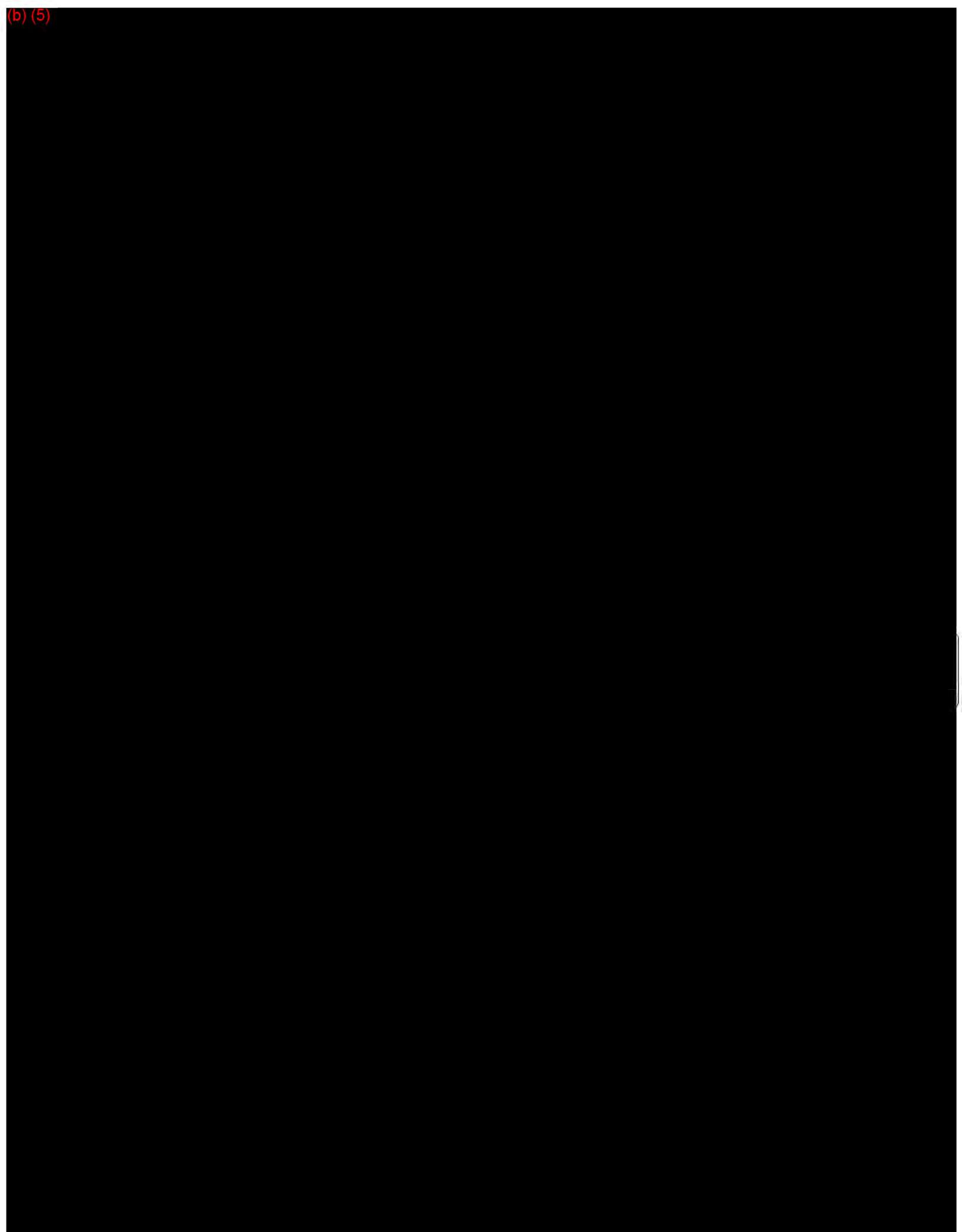




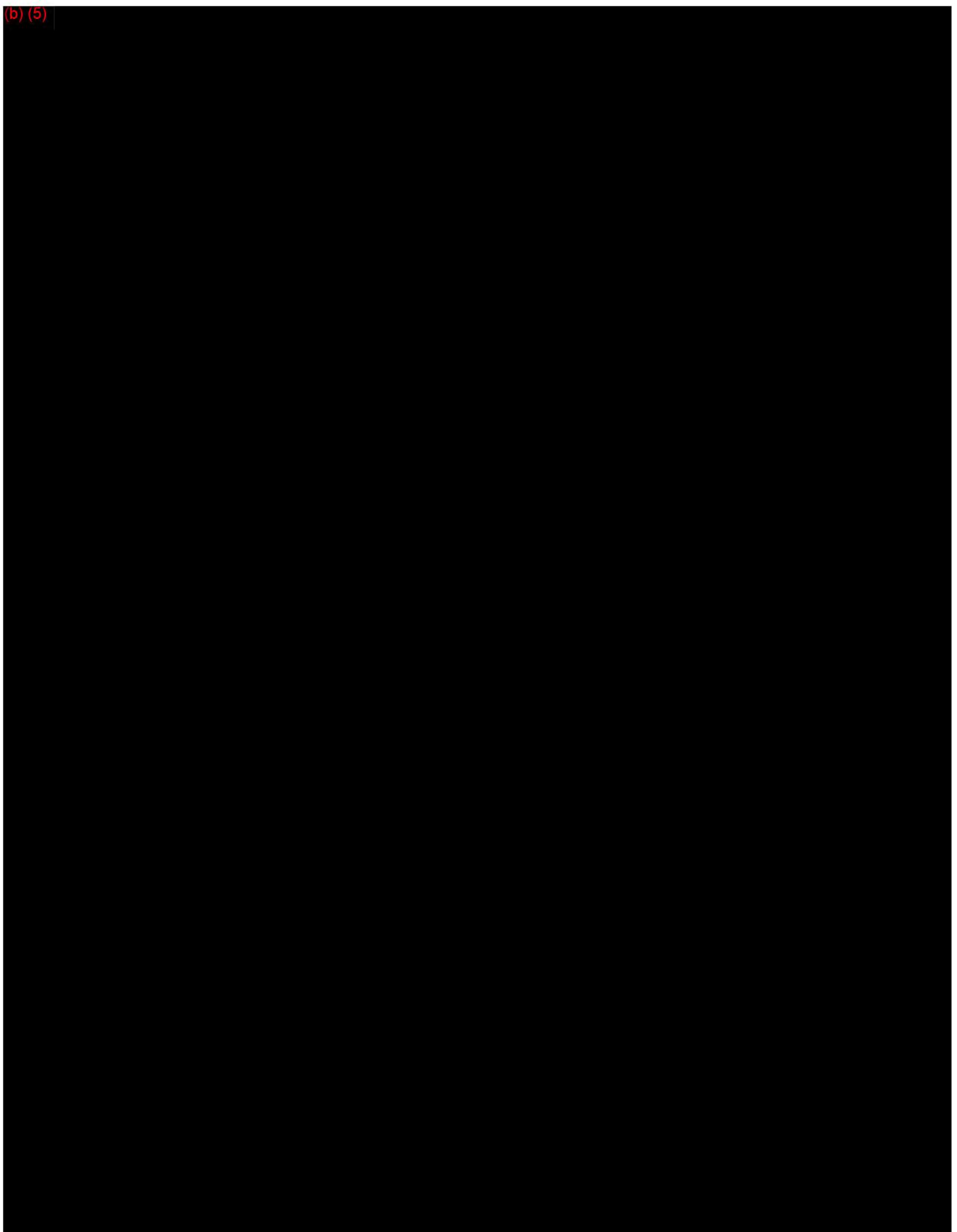


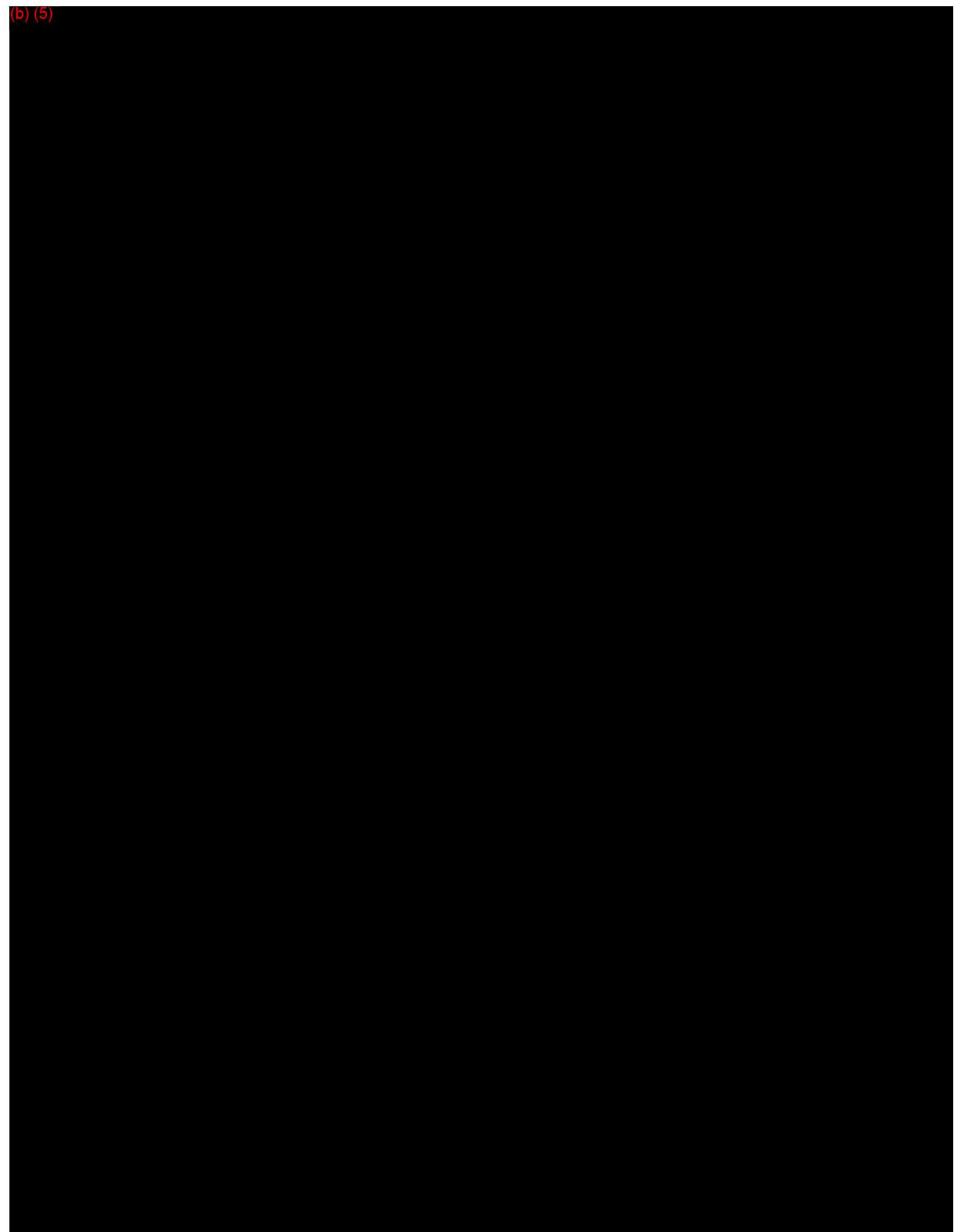


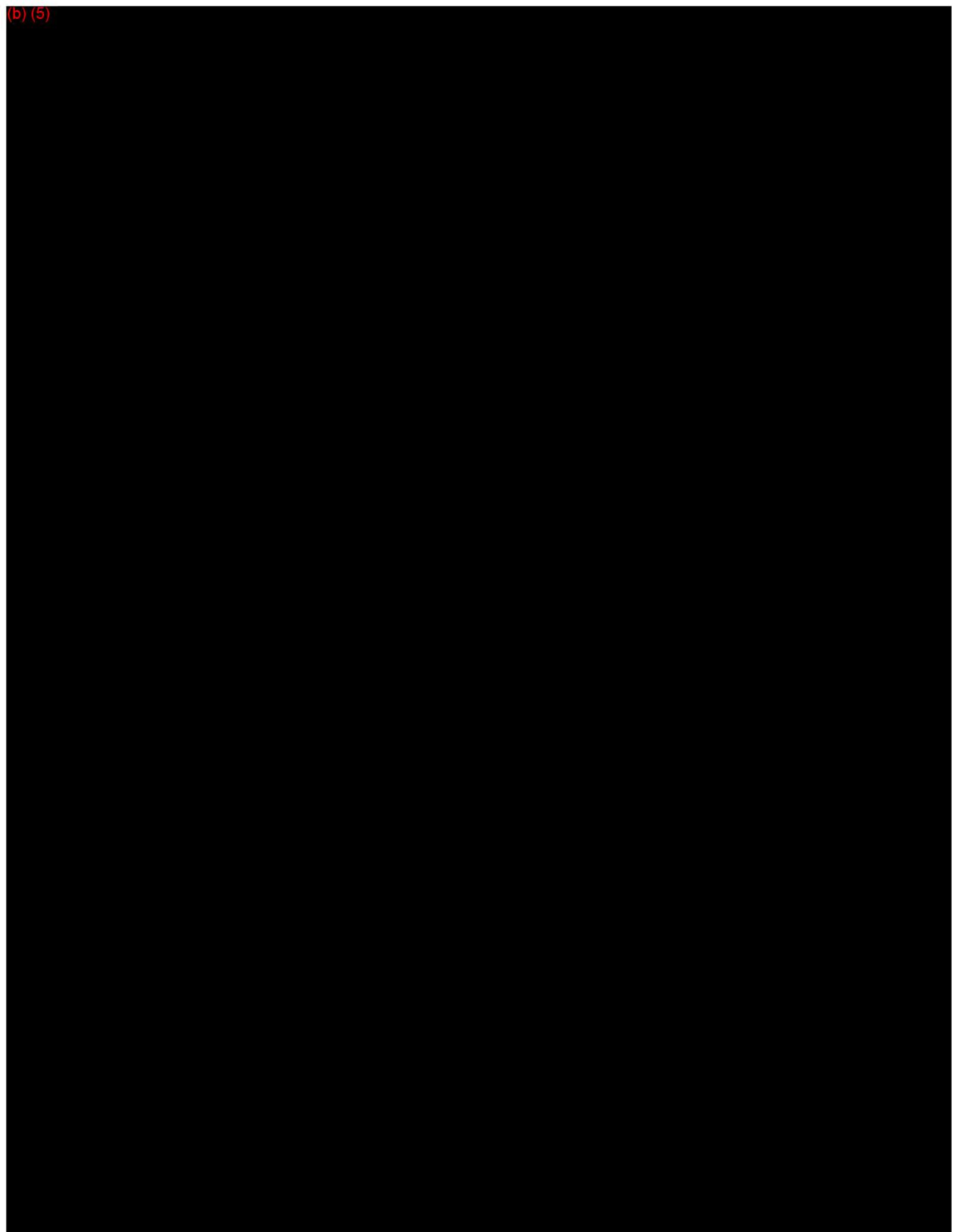
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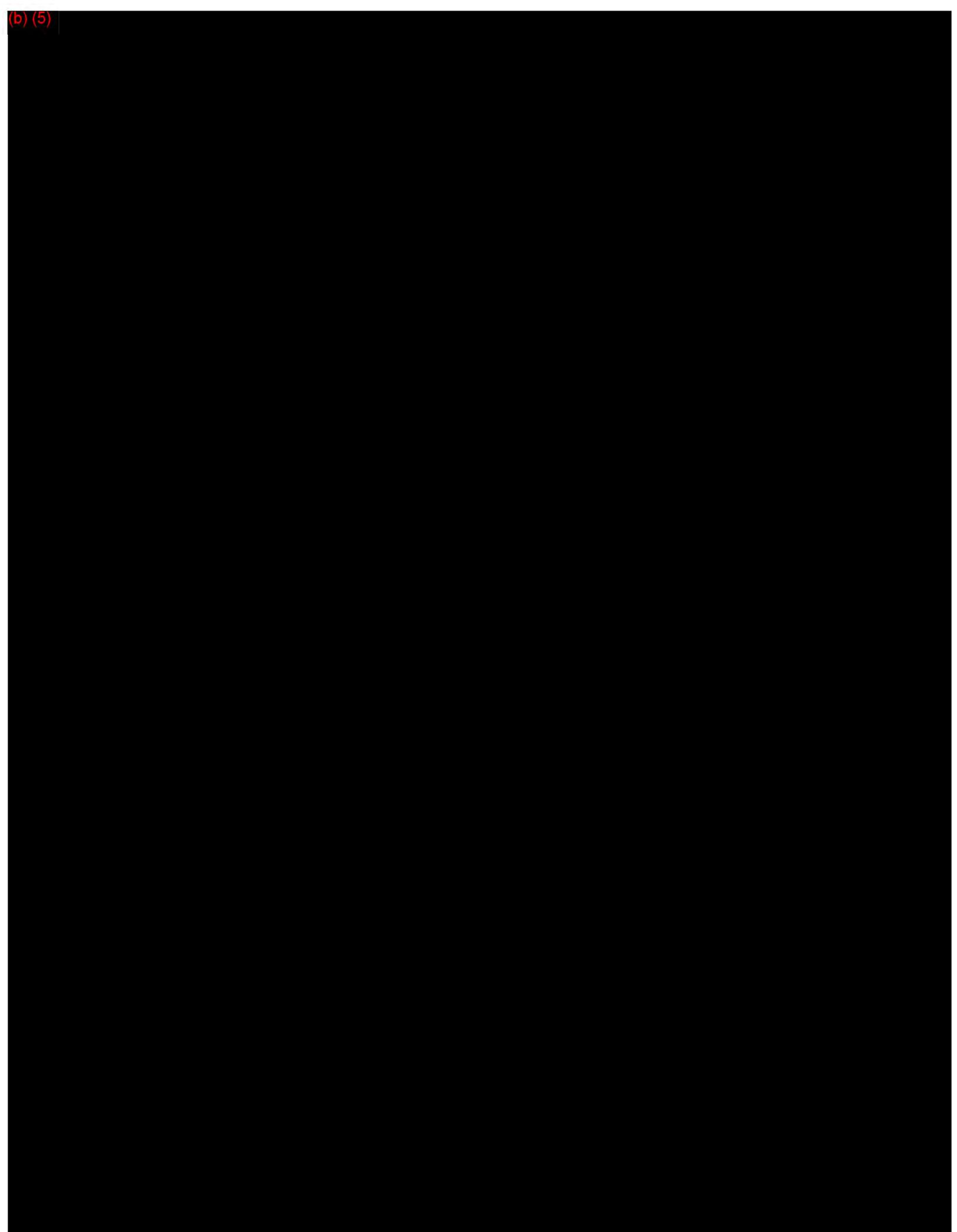


(b) (5)

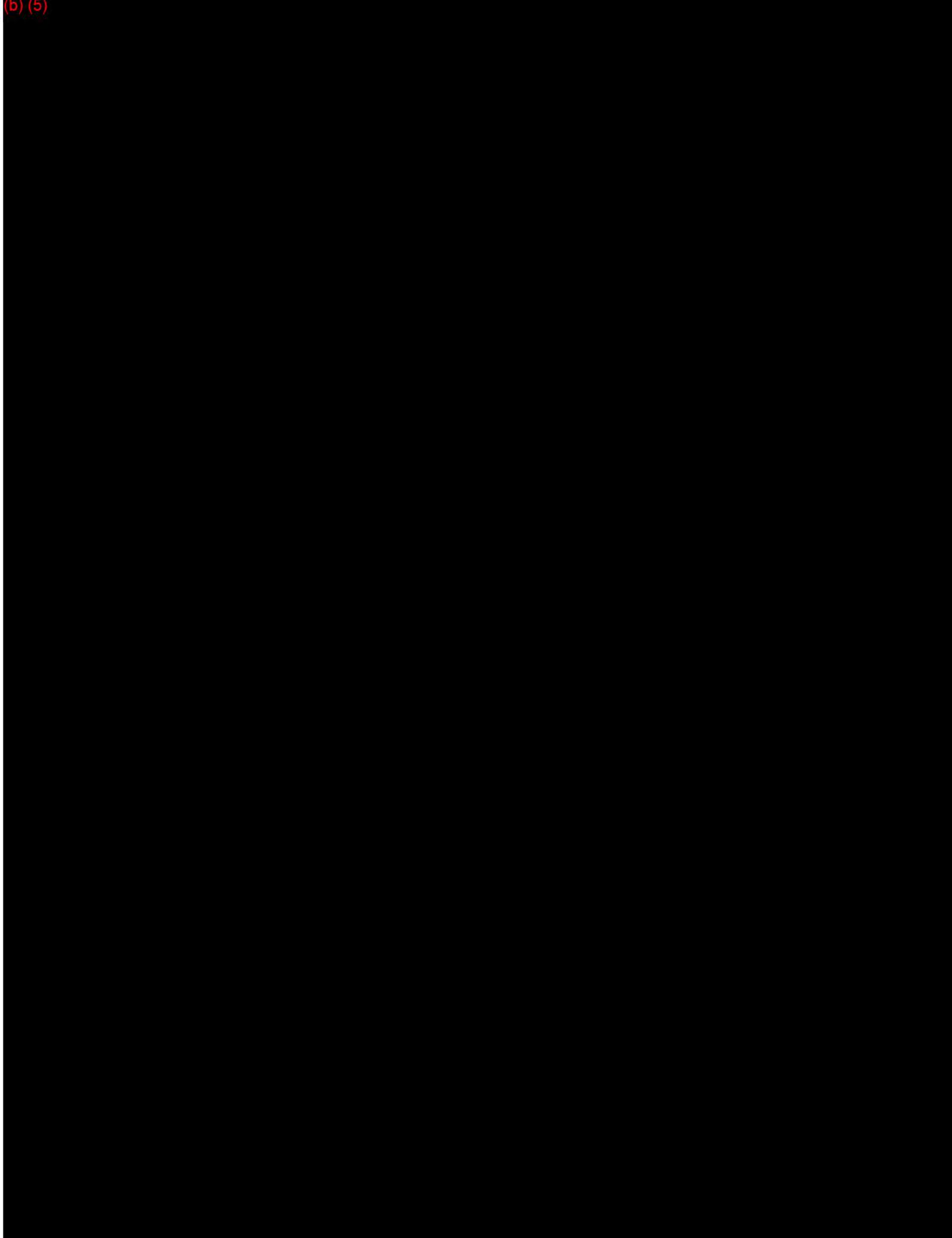


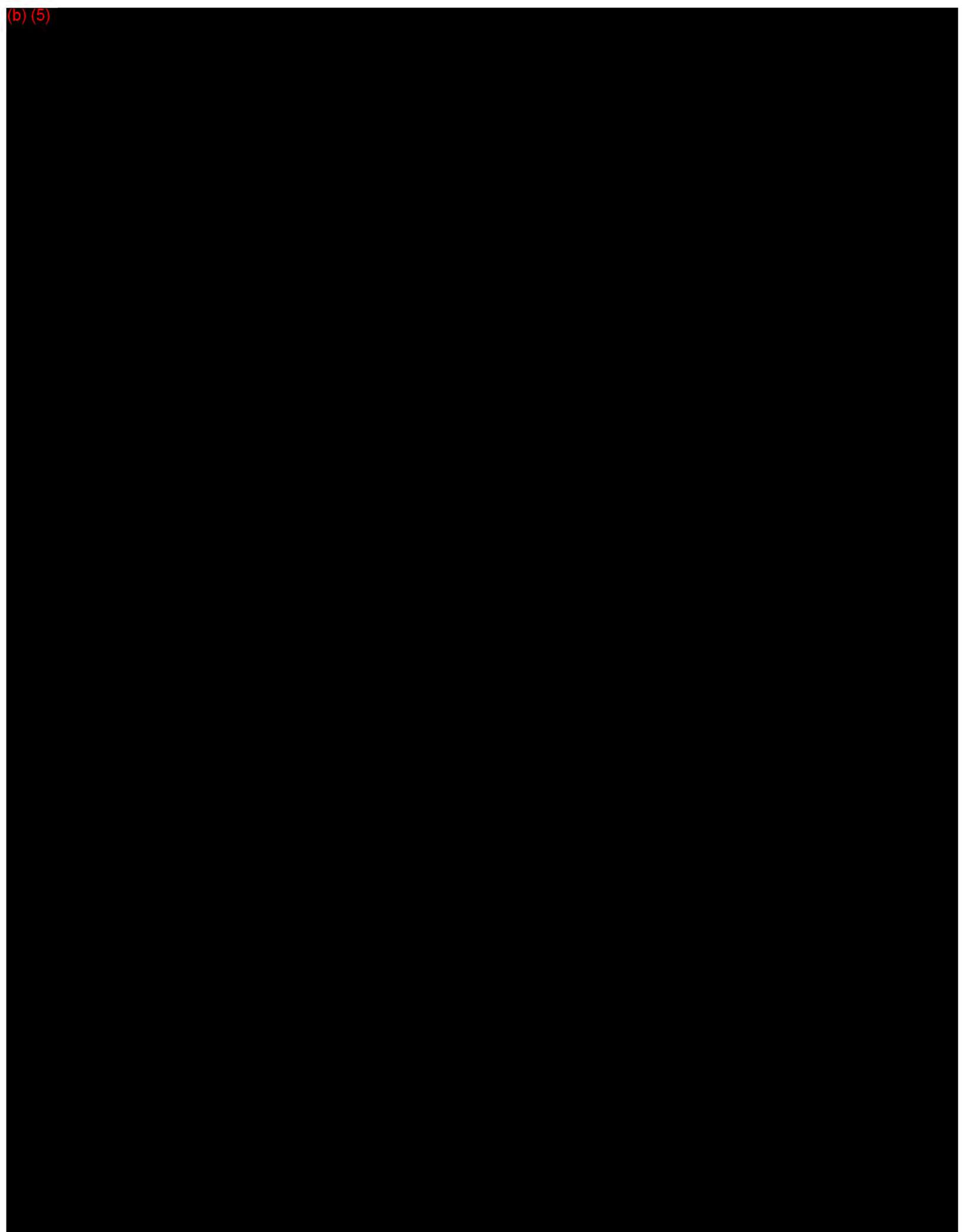






(b) (5)





(b) (5)

# Fwd: EO 12866 Review of CEQ NEPA Procedural Provisions Prerule - (b) (5) comments

---

**From:** "Boling, Ted A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">  
**To:** "Upchurch, Sara H. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 23 May 2018 12:33:58 -0400  
**Attachment s:** EO12866 Review CEQ NEPA ANPRM - (b) Comments 5.14.18.docx (53.1 kB)

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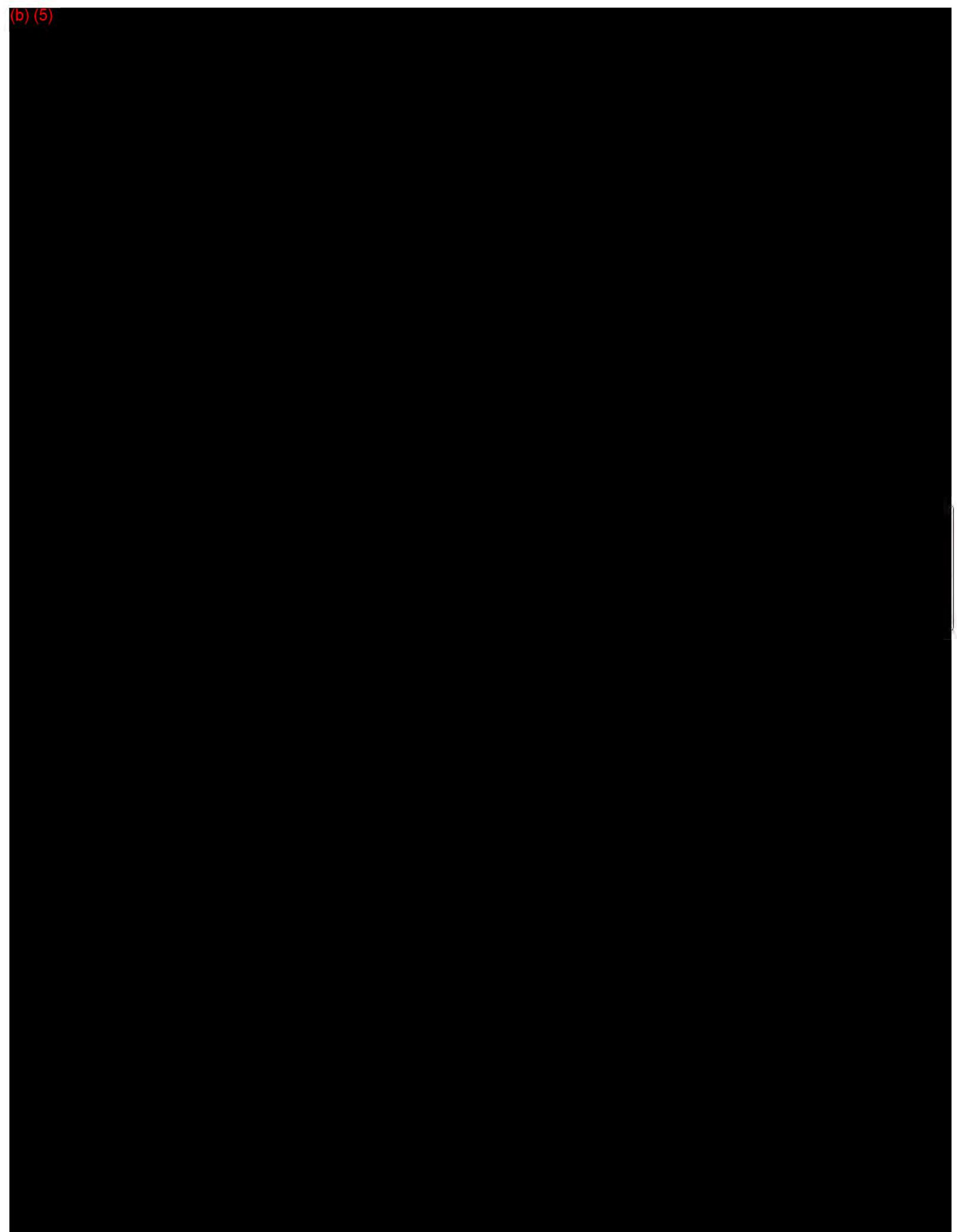
Sent from my iPhone

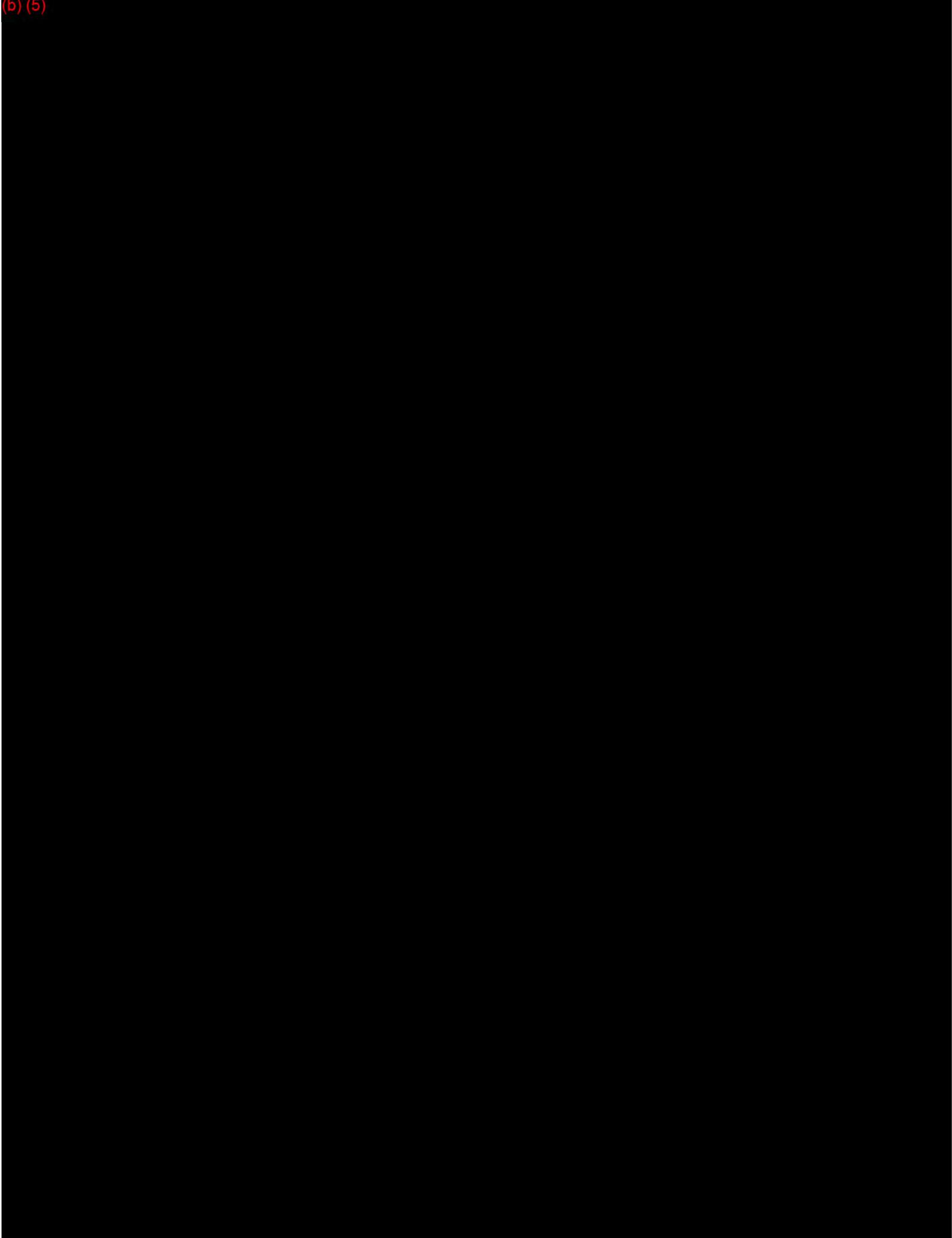
Begin forwarded message:

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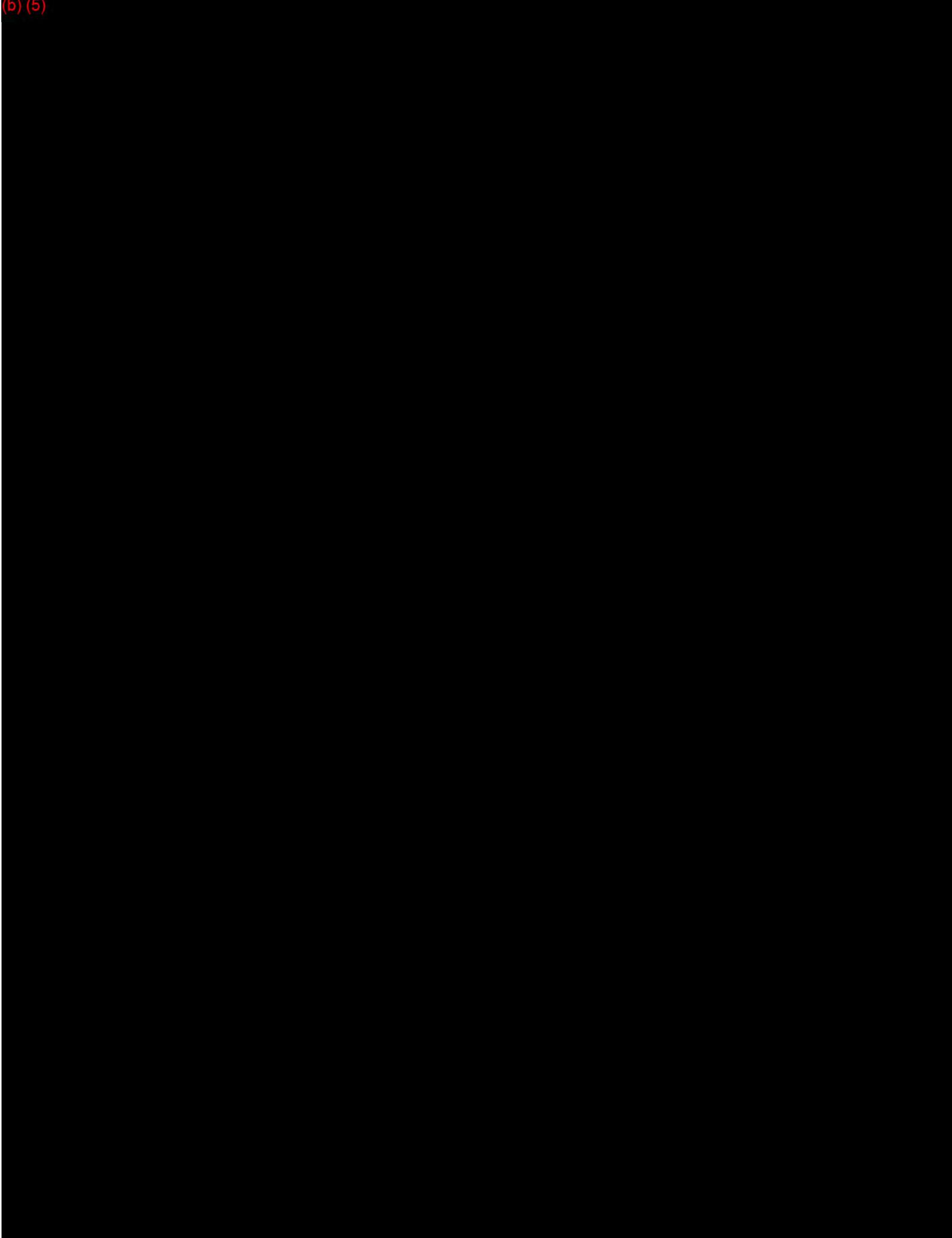
**From:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>  
**Date:** May 21, 2018 at 10:27:16 AM EDT  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Boling, Ted A. EOP/CEQ" <(b) (6)>, "Drummond, Michael R. EOP/CEQ" <(b) (6)>, "Barnett, Steven W. EOP/CEQ" <(b) (6)>, "Sharp, Thomas L. EOP/CEQ" <(b) (6)>, "Loyola, Mario A. EOP/CEQ" <(b) (6)>, "Gignoux, Caroline M. EOP/CEQ (Intern)" <(b) (6)>, "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Subject:** FW: EO 12866 Review of CEQ NEPA Procedural Provisions Prerule - (b) (5) comments

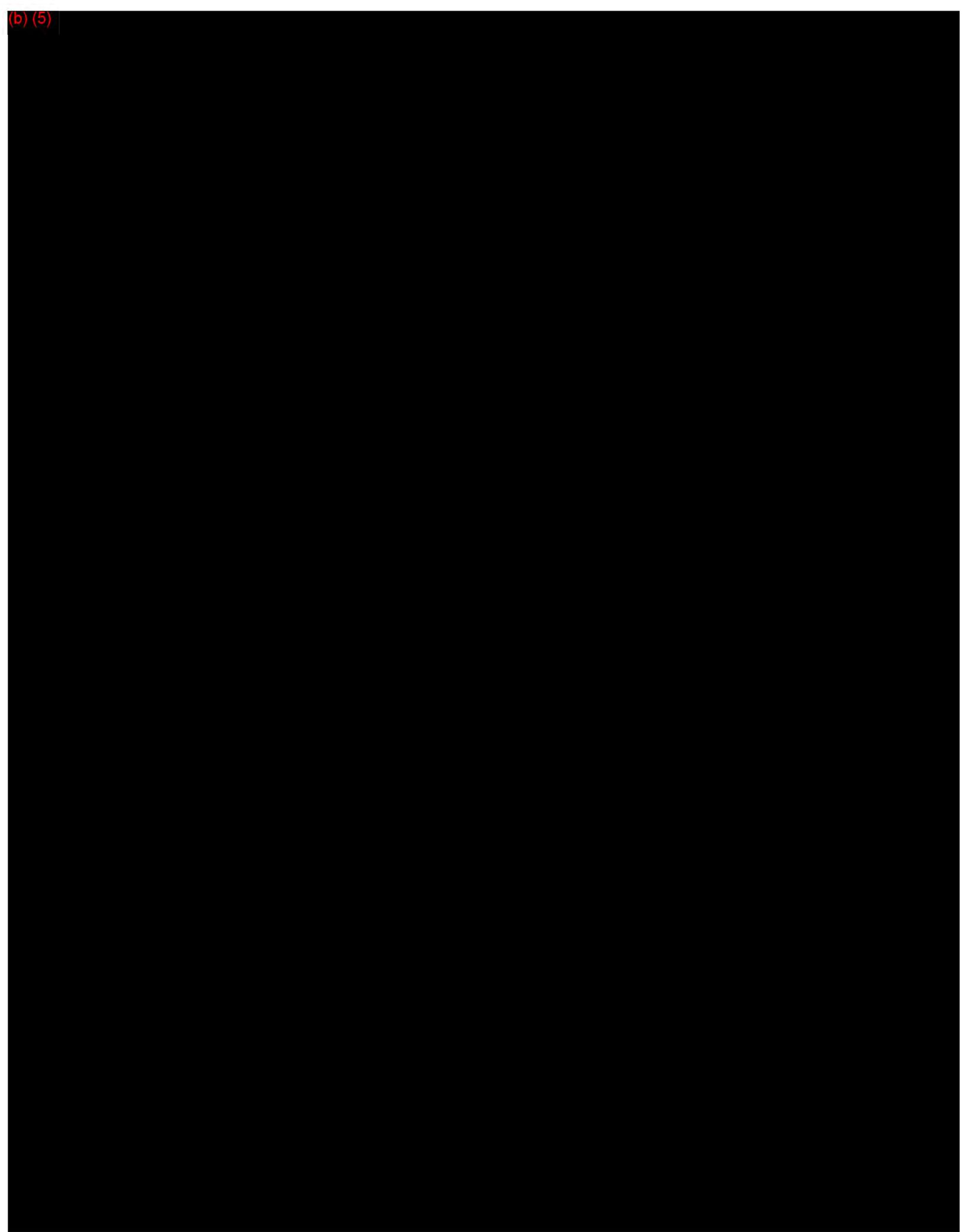
Here are (b) (5) comments



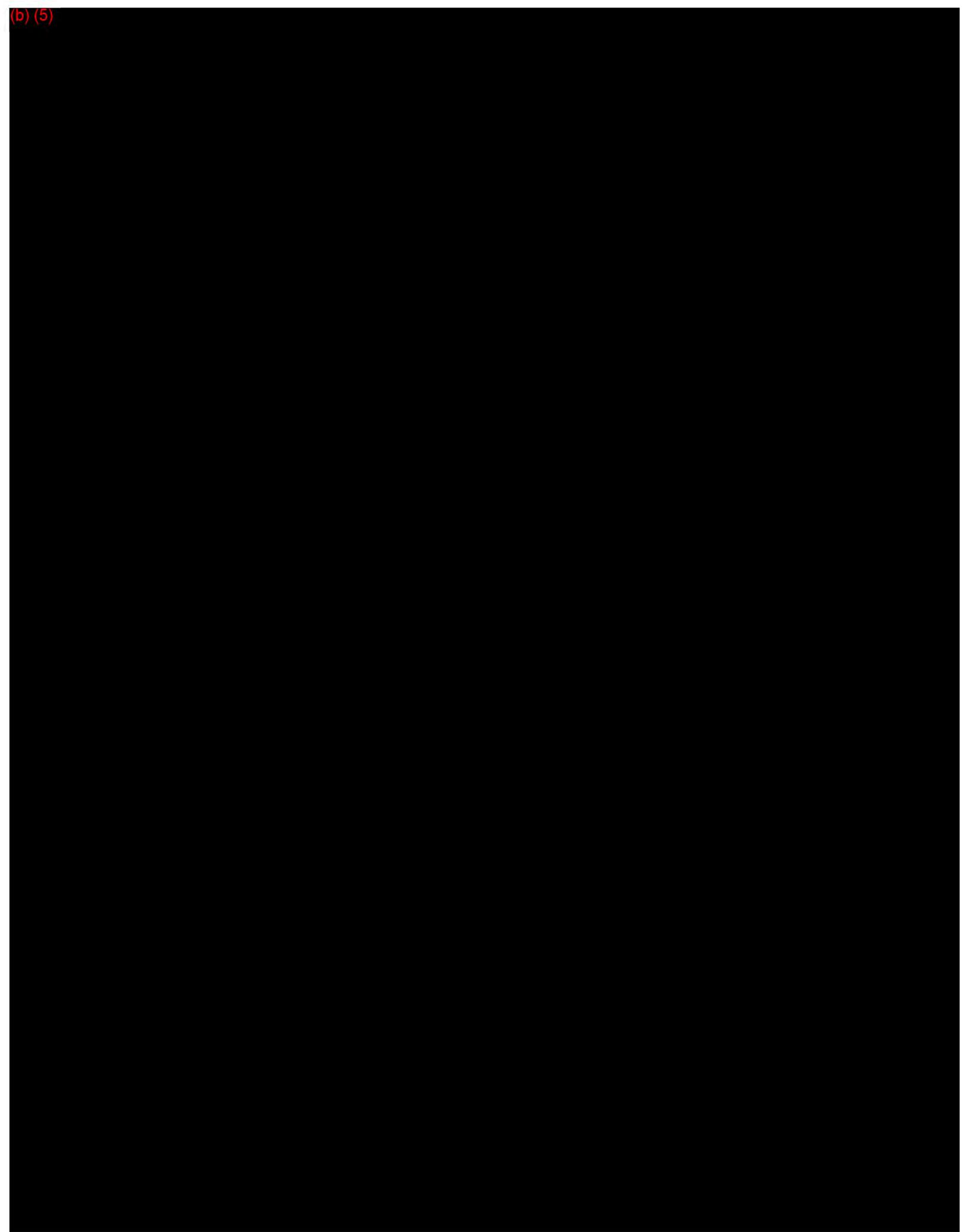




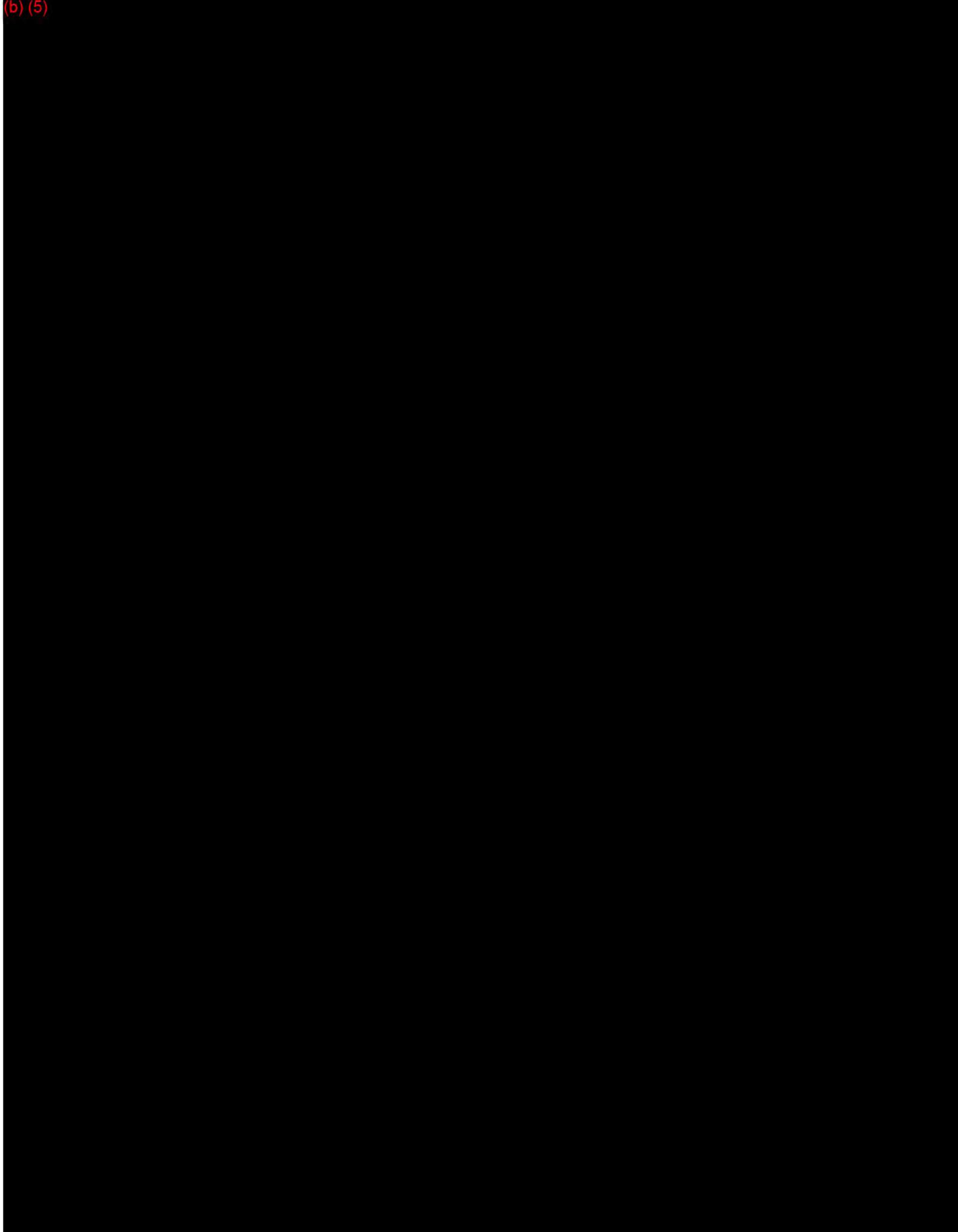


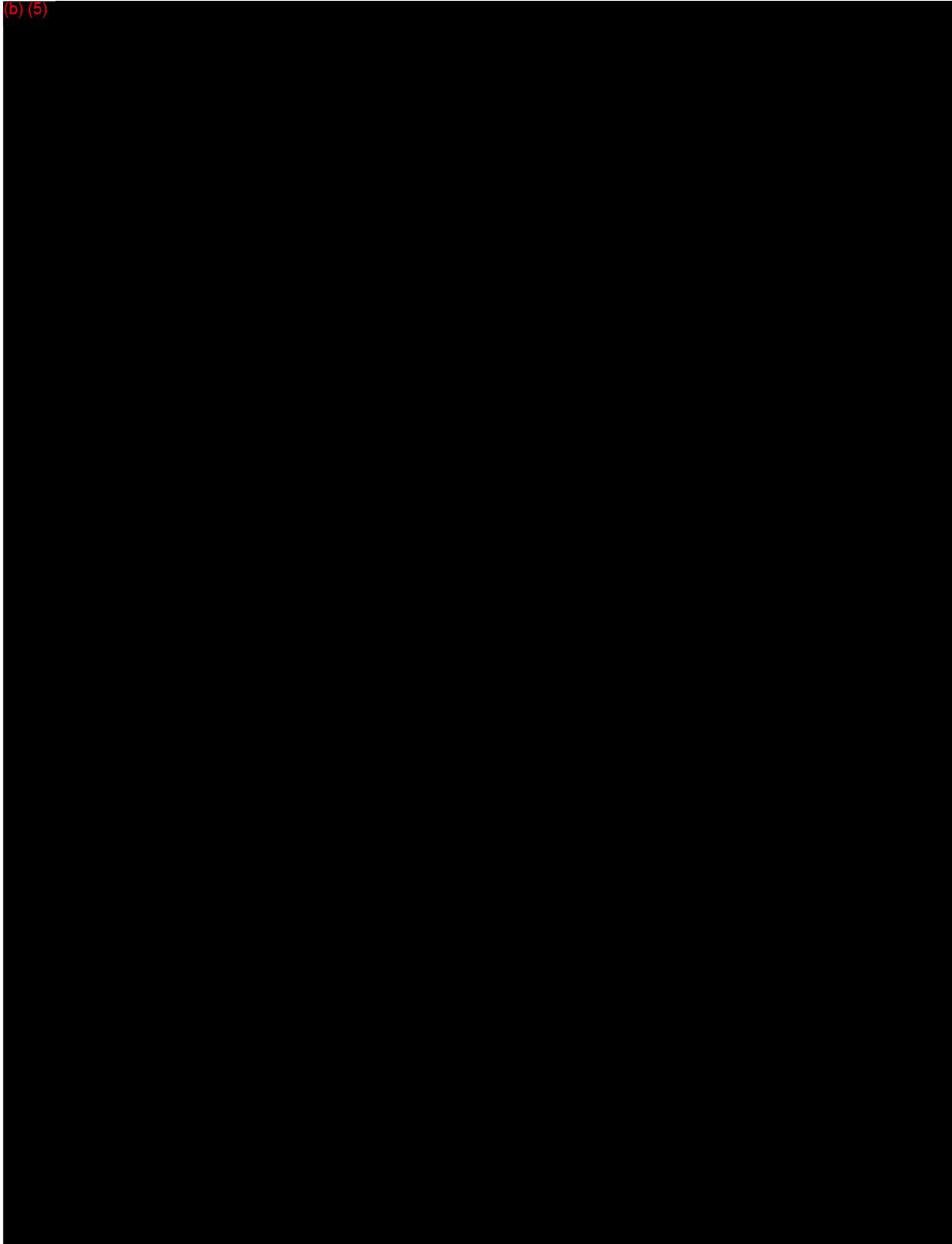


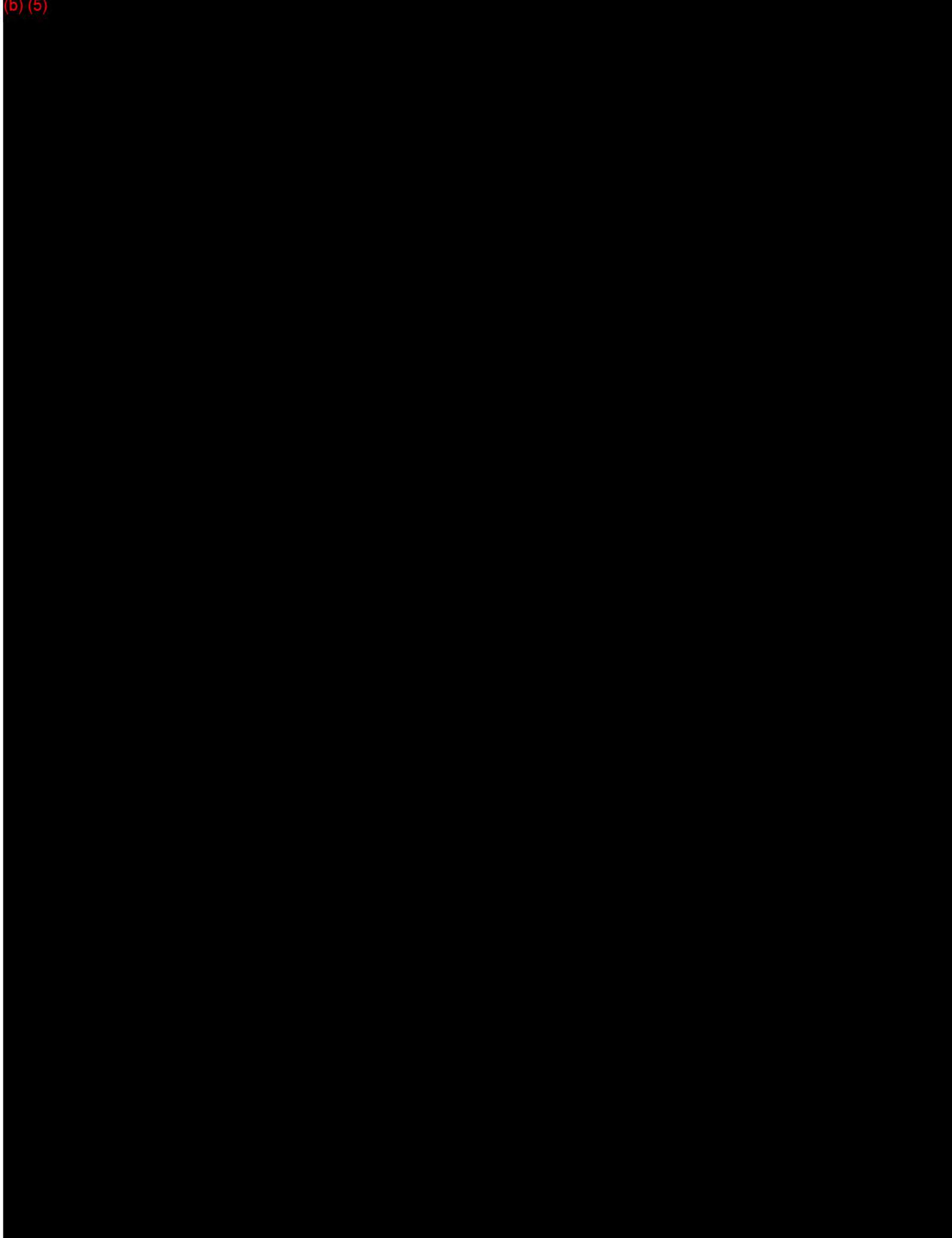
(b) (5)



(b) (5)







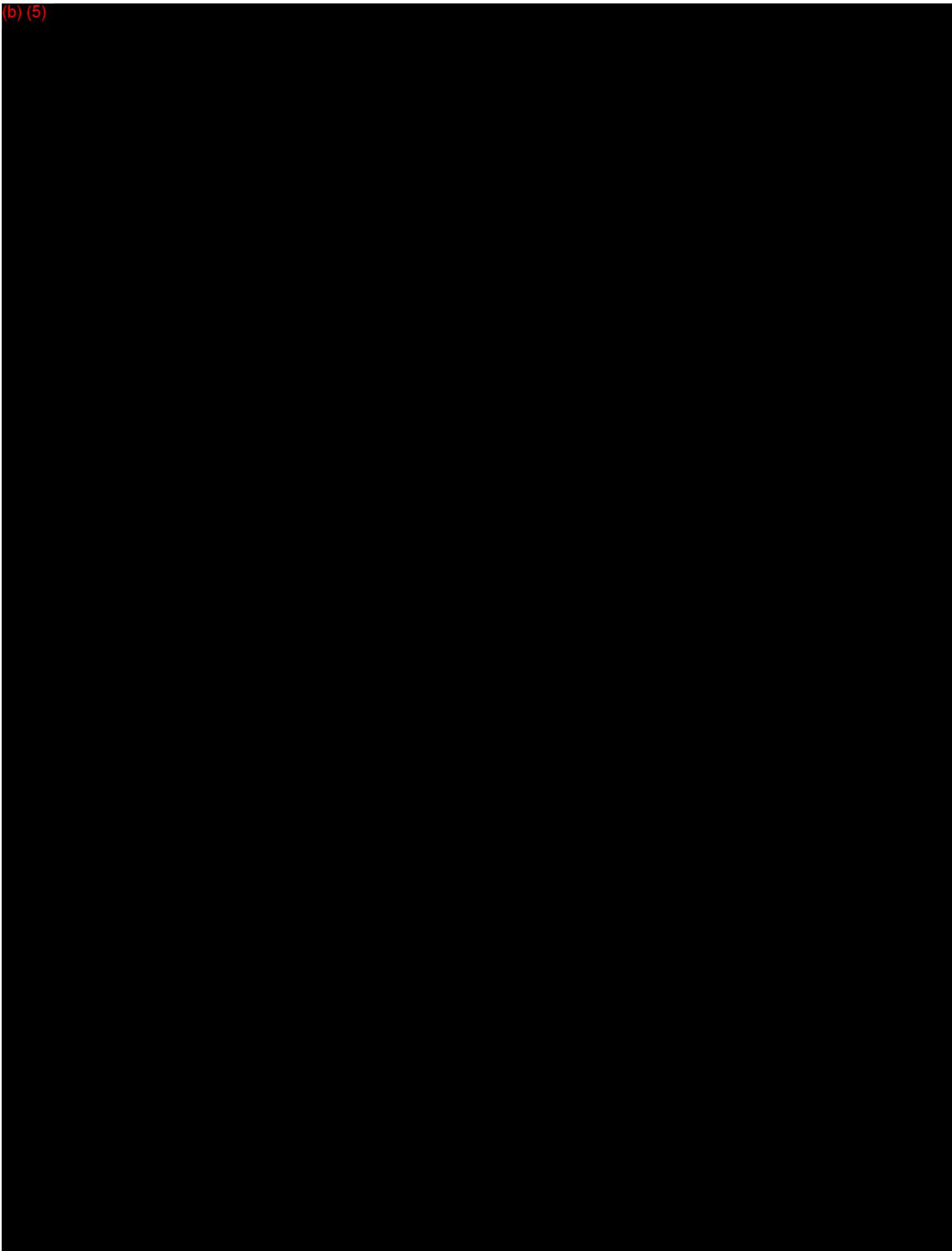
# FW: EO 12866 Review of CEQ NEPA Procedural Provisions Prerule - (b) (5) comments

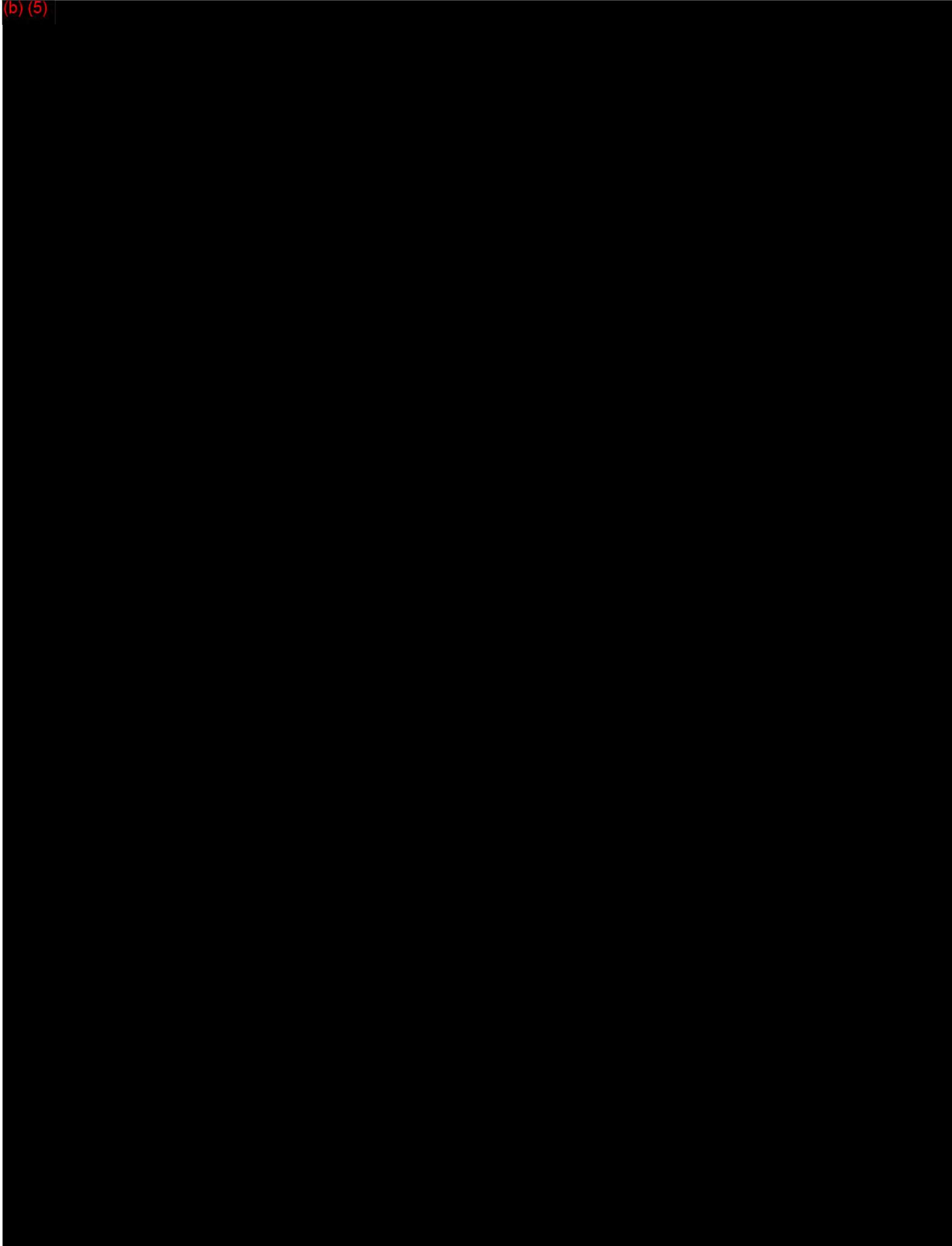
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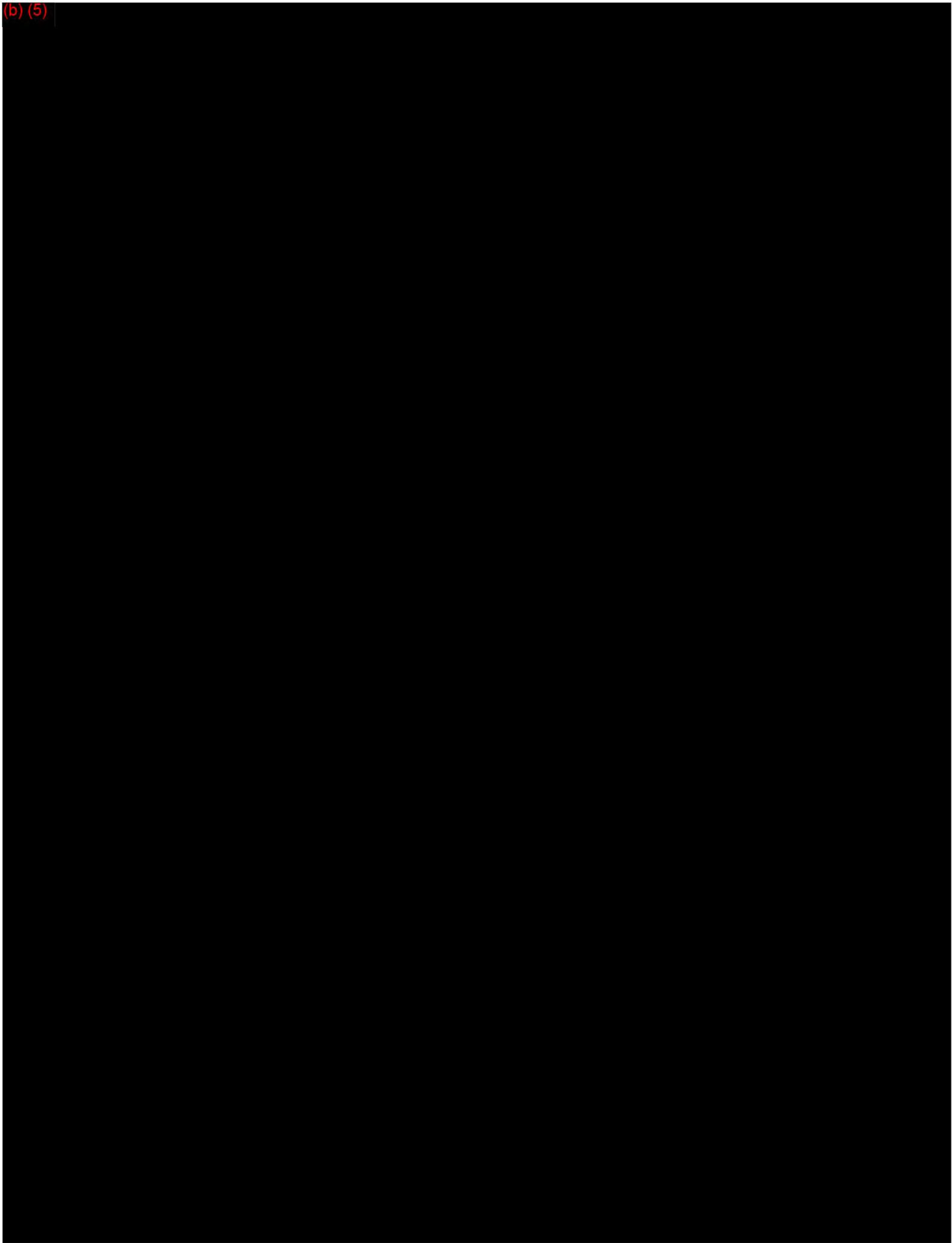
**From:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 24 May 2018 09:00:10 -0400  
**Attachments:** (b) Cmnts - CEQ NEPA ANPRM - 23 May 2018.docx (53.53 kB)

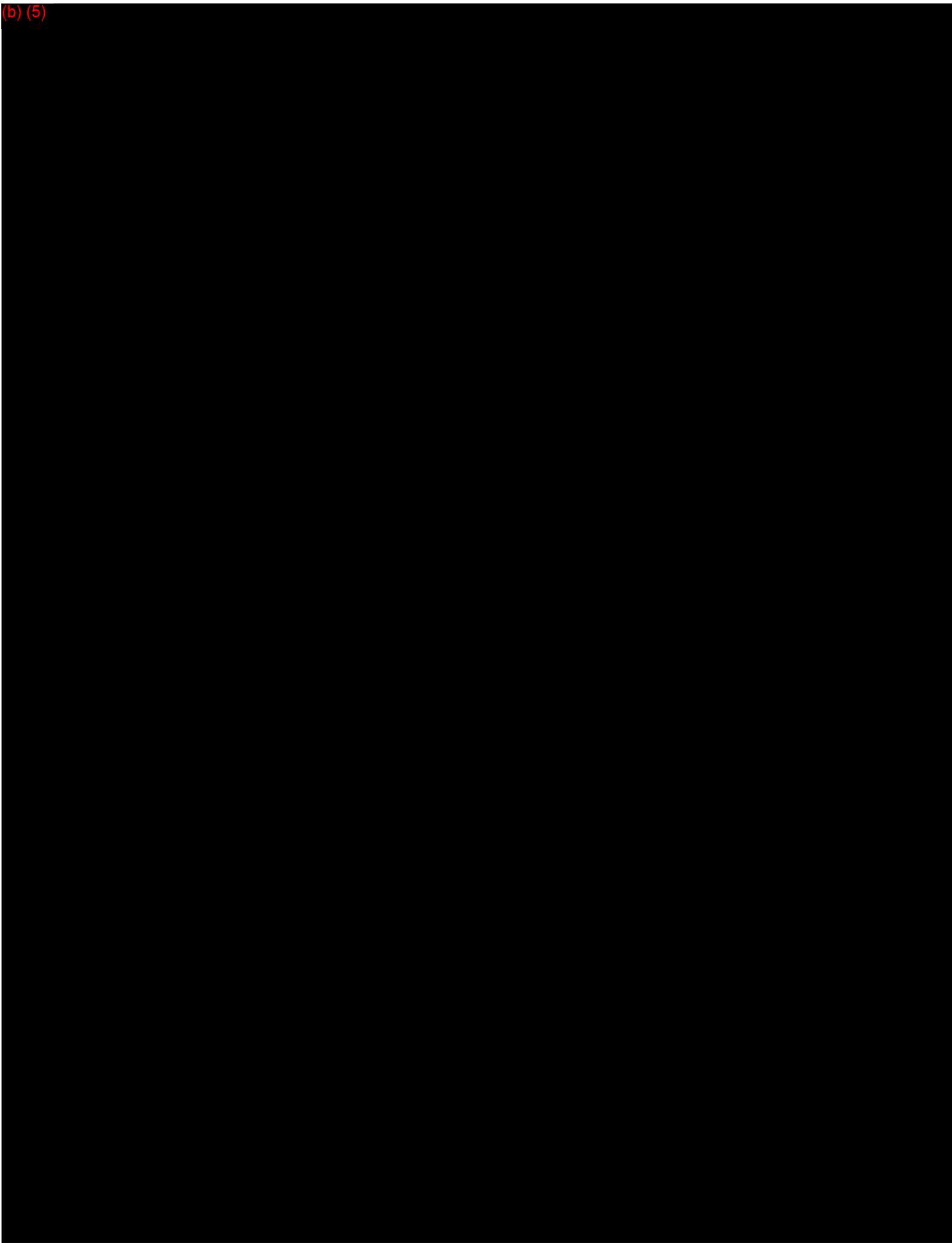
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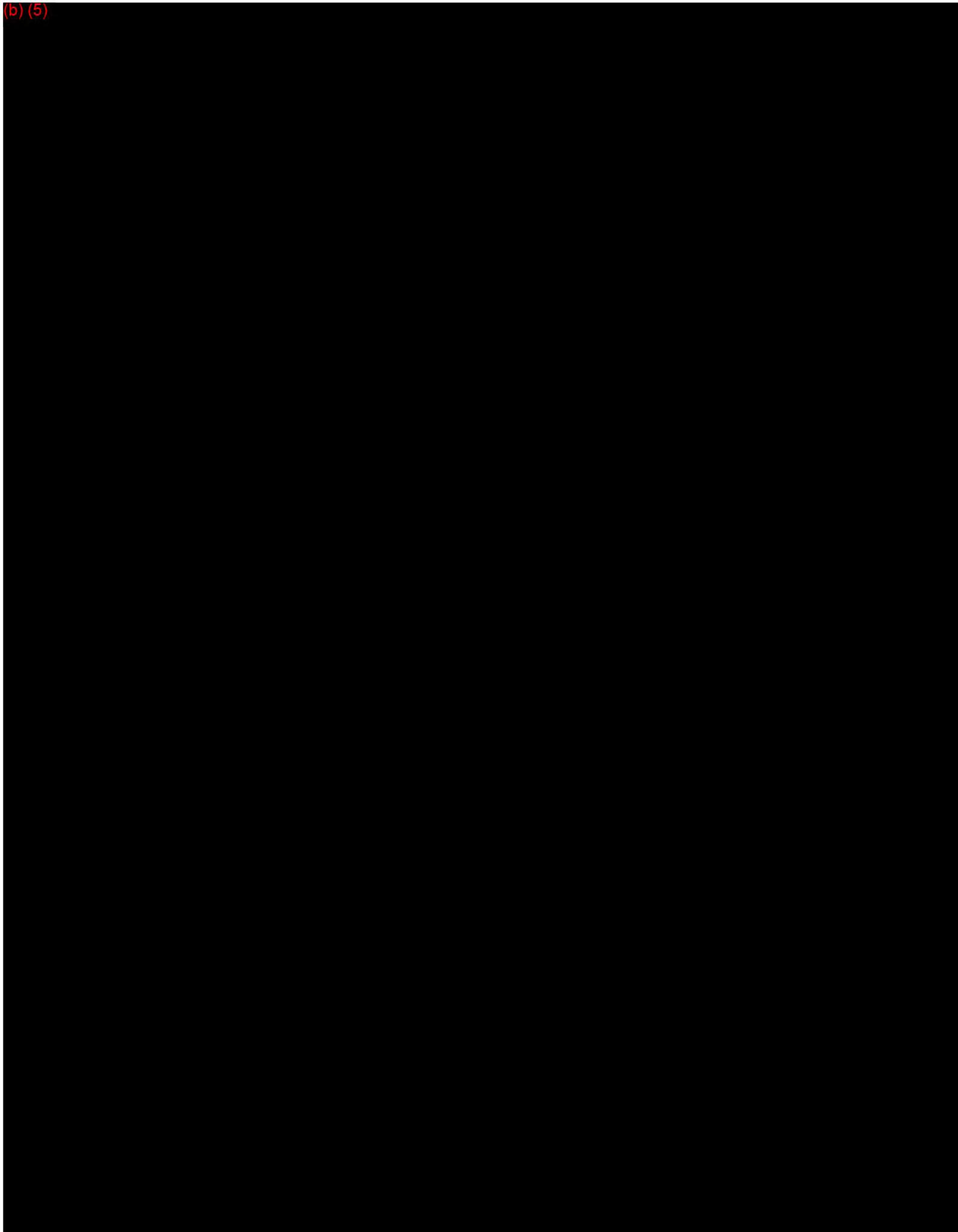
Aaron, Attached are (b) comments on the NEPA ANPRM. Chad

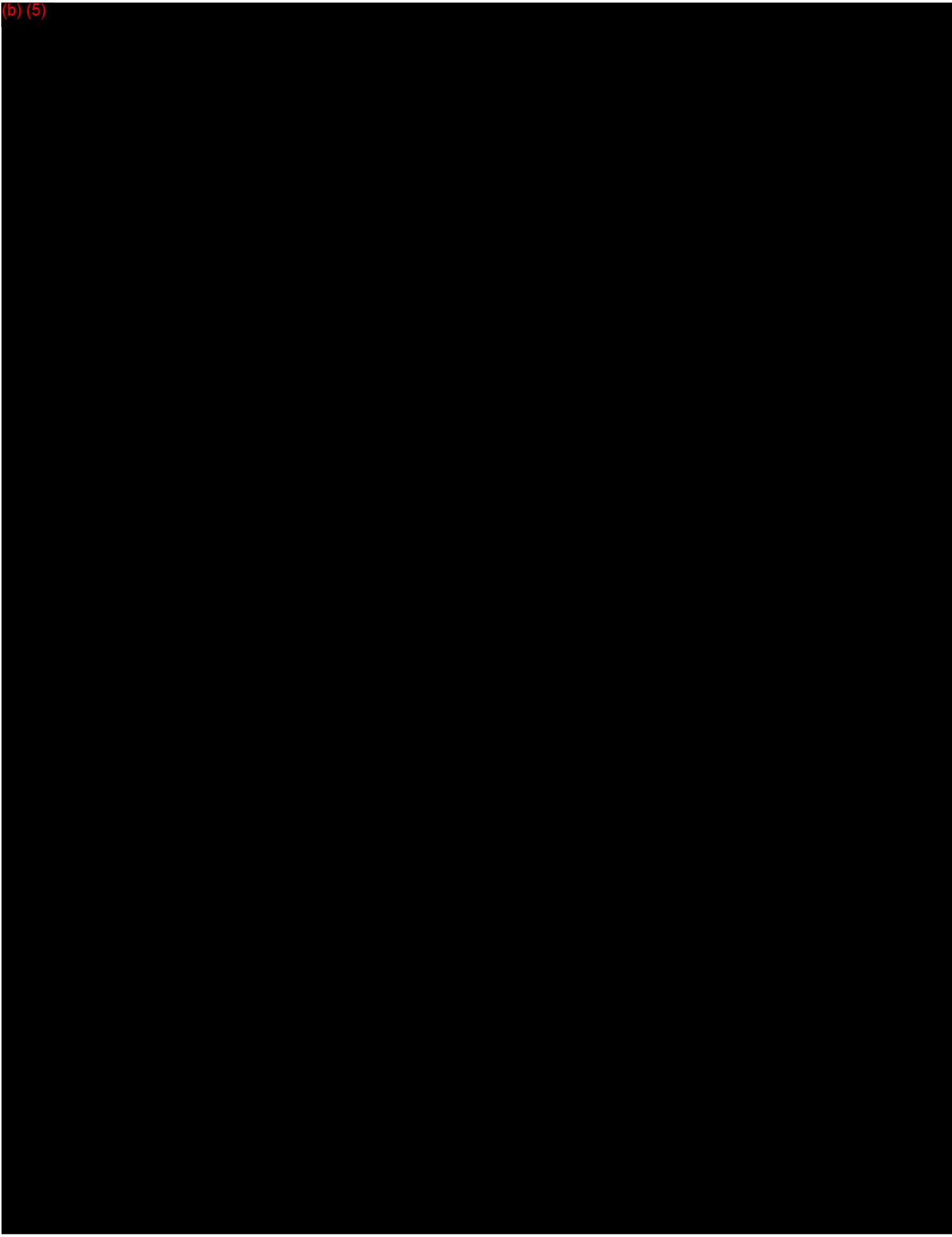


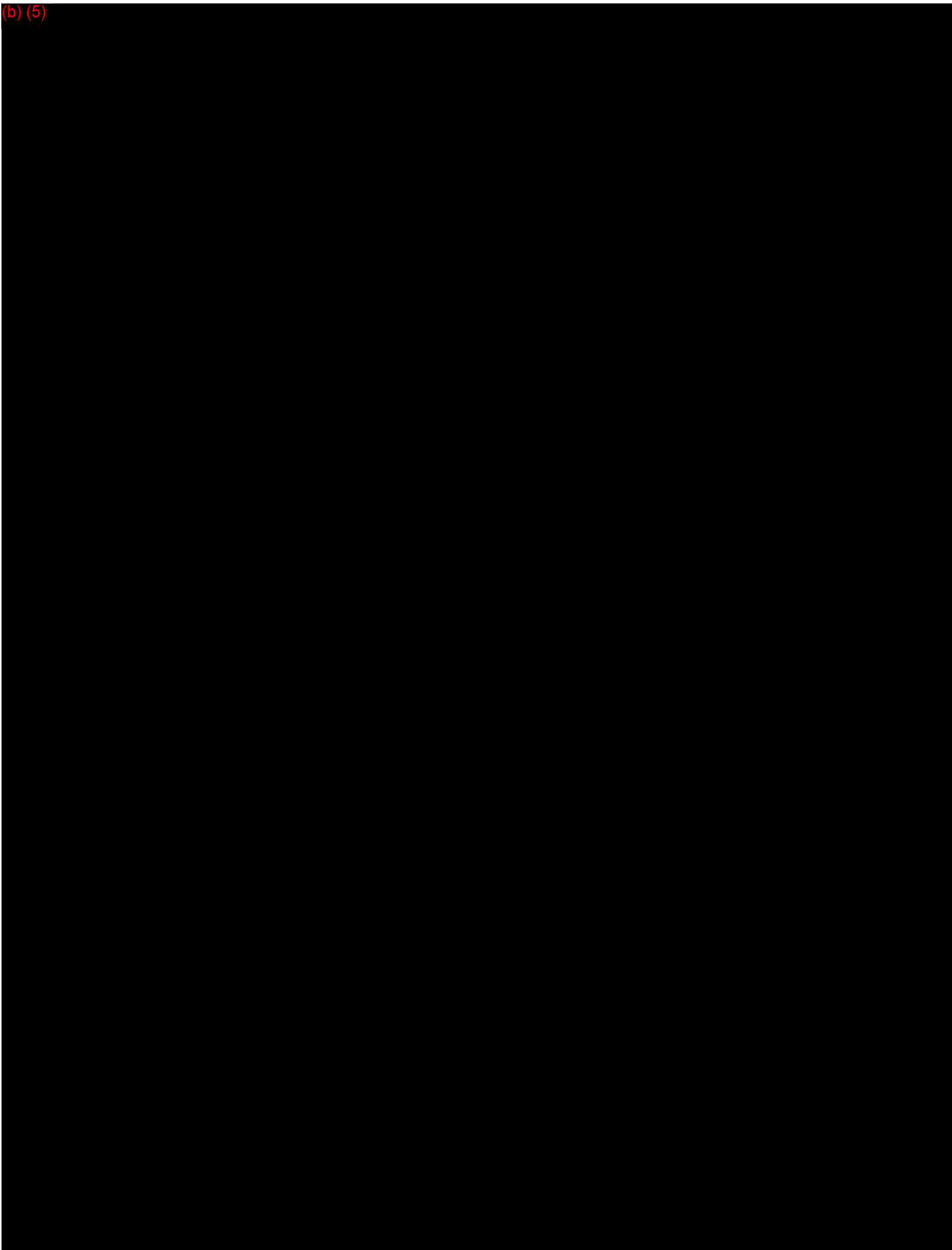


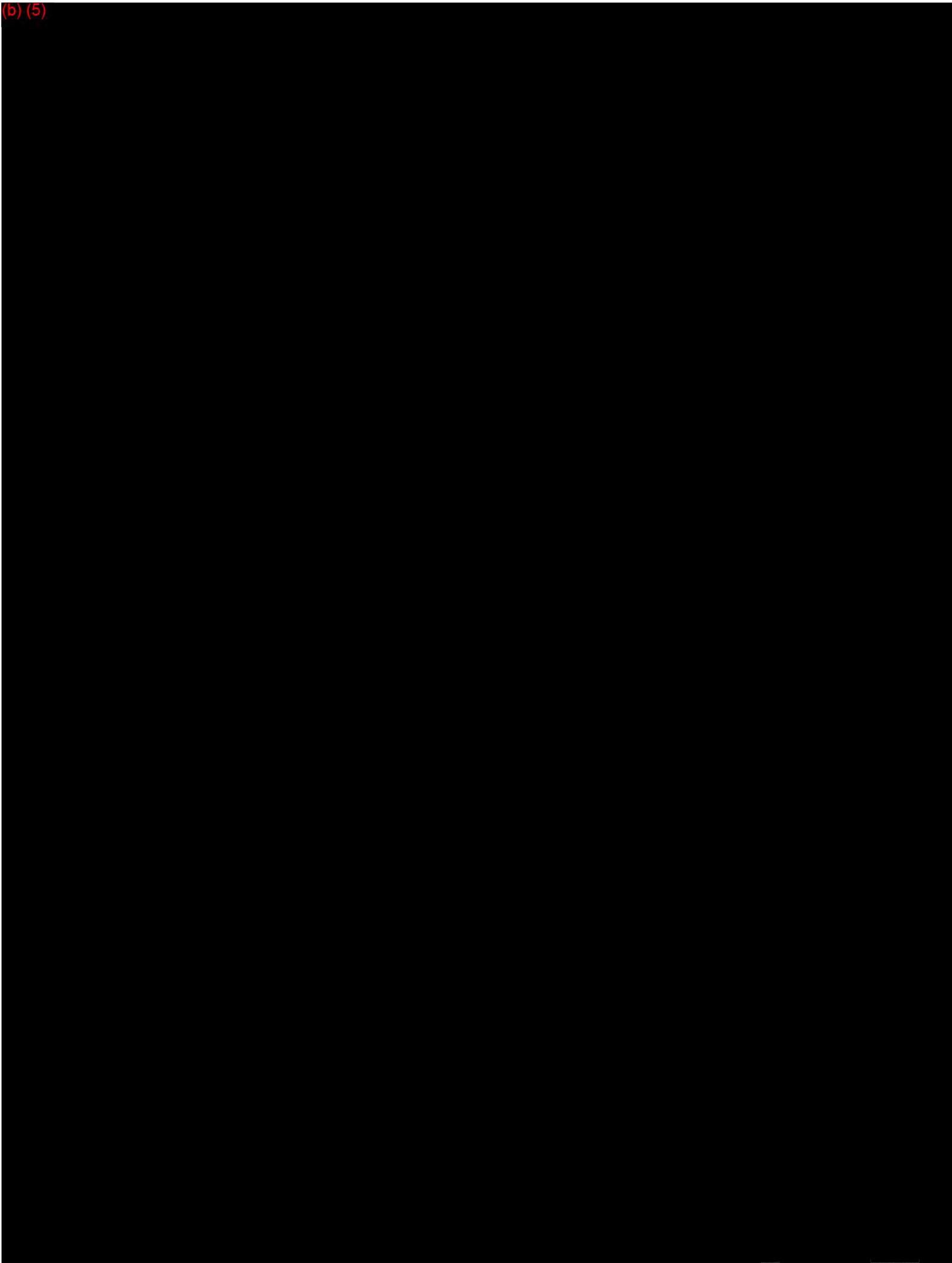


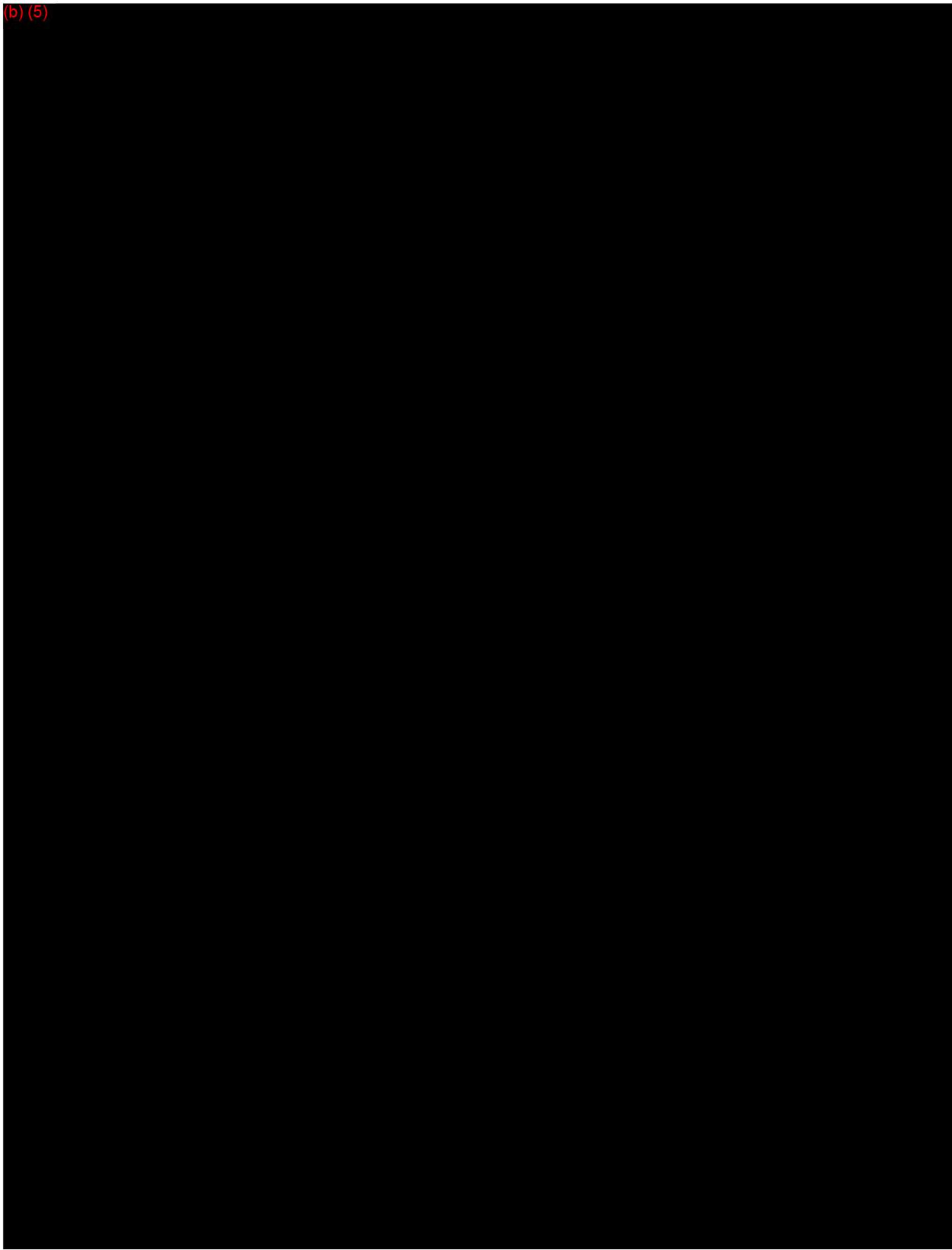












## Re: CEQ ANPRM Agency Text Changes - Draft

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From: "Szabo, Aaron L. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=f93a8d1dd2b4420ca81e53ff8199b780-sz">

To: "Sharp, Thomas L. EOP/CEQ" <(b) (6)>

Date: Thu, 24 May 2018 13:38:14 -0400

---

Thanks.

Sent from my iPhone

On May 24, 2018, at 1:37 PM, Sharp, Thomas L. EOP/CEQ <(b) (6)> wrote:

---

Aaron,

In advance of our 2:00 meeting, please see the attached document which includes the potential changes to the text of the ANPRM. I am still working on the comment responses document. Will update you shortly.

Thanks,

Thomas L. Sharp  
Senior Advisor for Infrastructure  
Council on Environmental Quality  
Executive Office of the President  
(202) 456-3258

(b) (6)

[www.whitehouse.gov/ceq](http://www.whitehouse.gov/ceq)

<EO12866 Review CEQ NEPA ANPRM WITH AGENCY COMMENTS 5-24-18.docx>

## RE: EO 12866 Review of CEQ NEPA Procedural Provisions Prerule - (b) (5) comments

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**From:** "Szabo, Aaron L. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=f93a8d1dd2b4420ca81e53ff8199b780-sz">

**To:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>

**Date:** Thu, 24 May 2018 09:06:24 -0400

Thanks.

**From:** Whiteman, Chad S. EOP/OMB

**Sent:** Thursday, May 24, 2018 9:00 AM

**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)>

**Subject:** FW: EO 12866 Review of CEQ NEPA Procedural Provisions Prerule - (b) comments

Aaron, Attached are (b) comments on the NEPA ANPRM. Chad

## EO 12866 Review: Revised CEQ NEPA ANPRM

---

**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>  
**Cc:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 25 May 2018 16:40:11 -0400  
**Attachments:** EO12866 Review CEQ NEPA ANPRM\_Revised\_05252018.docx (47.55 kB)

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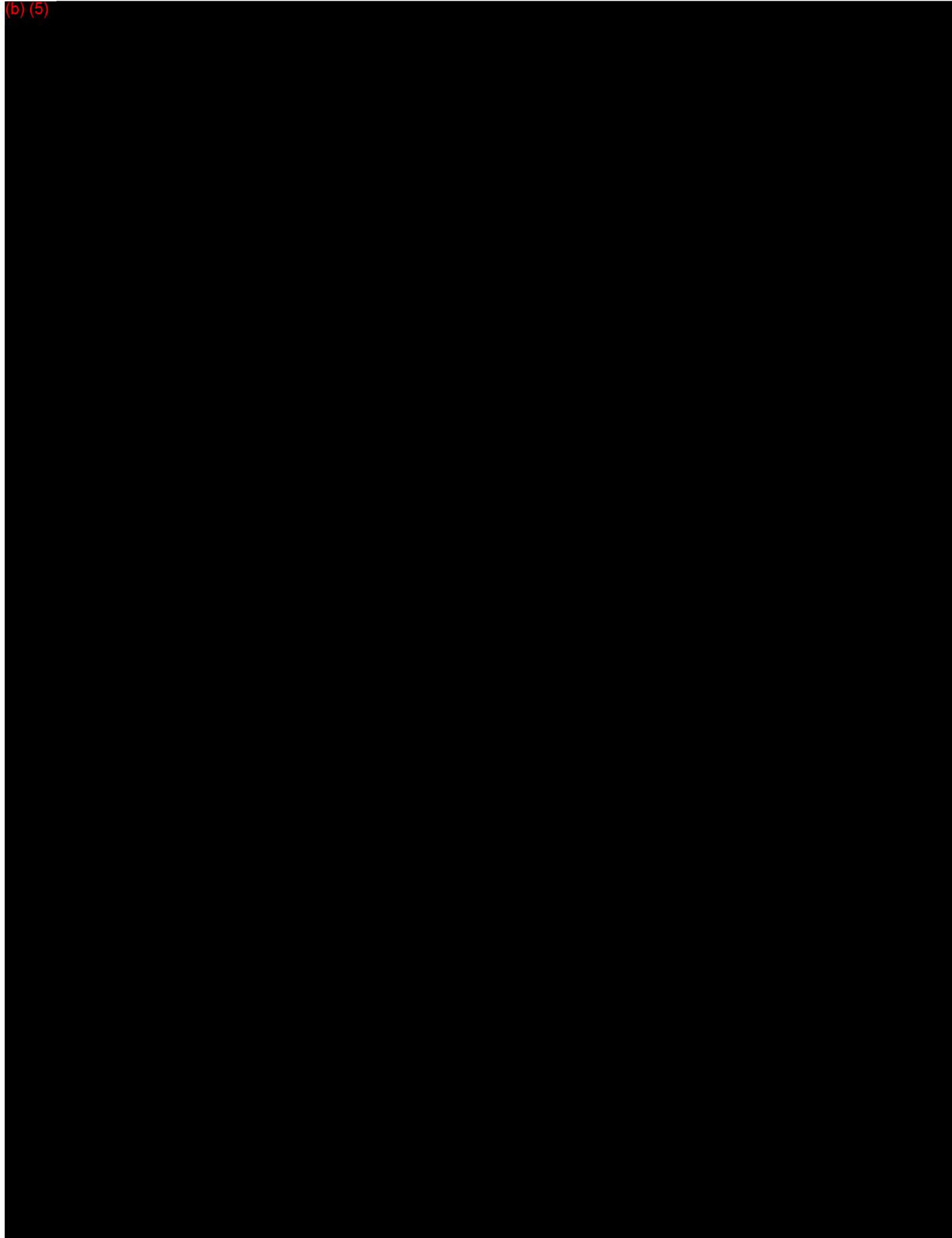
Hey Chad,

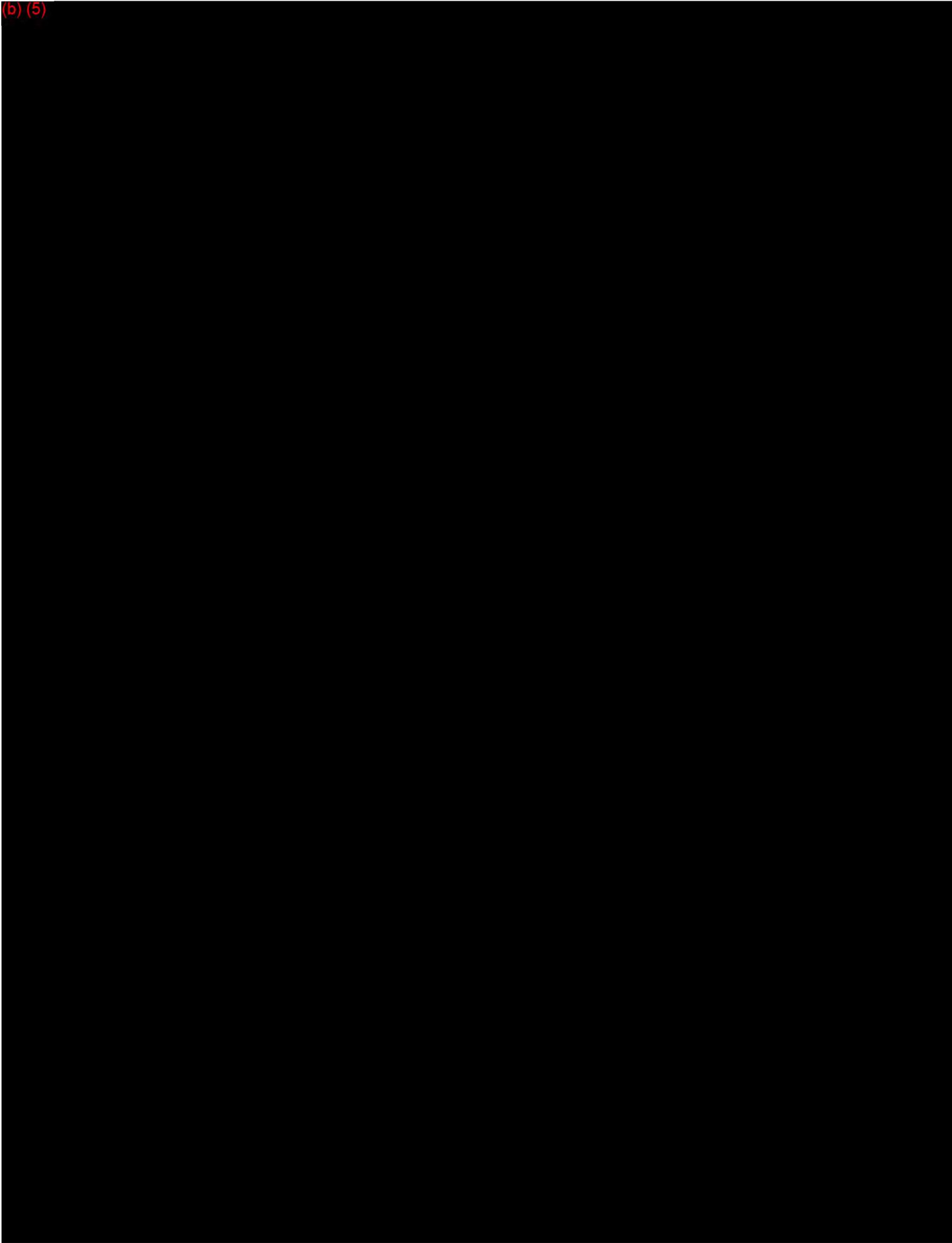
Please find attached the CEQ NEPA ANPRM based on the comments we have received. We are still deciding whether (b) (5)

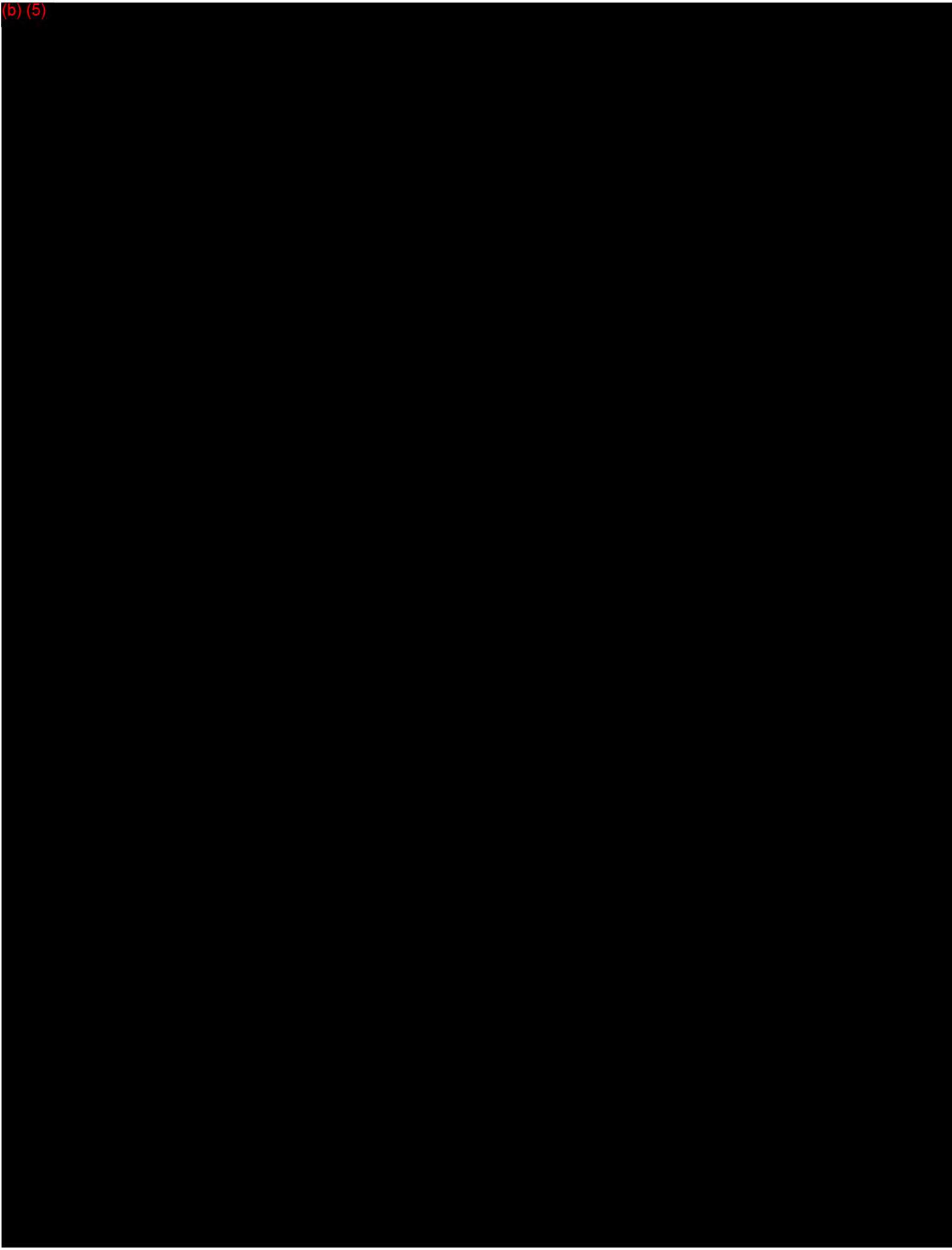
[REDACTED]

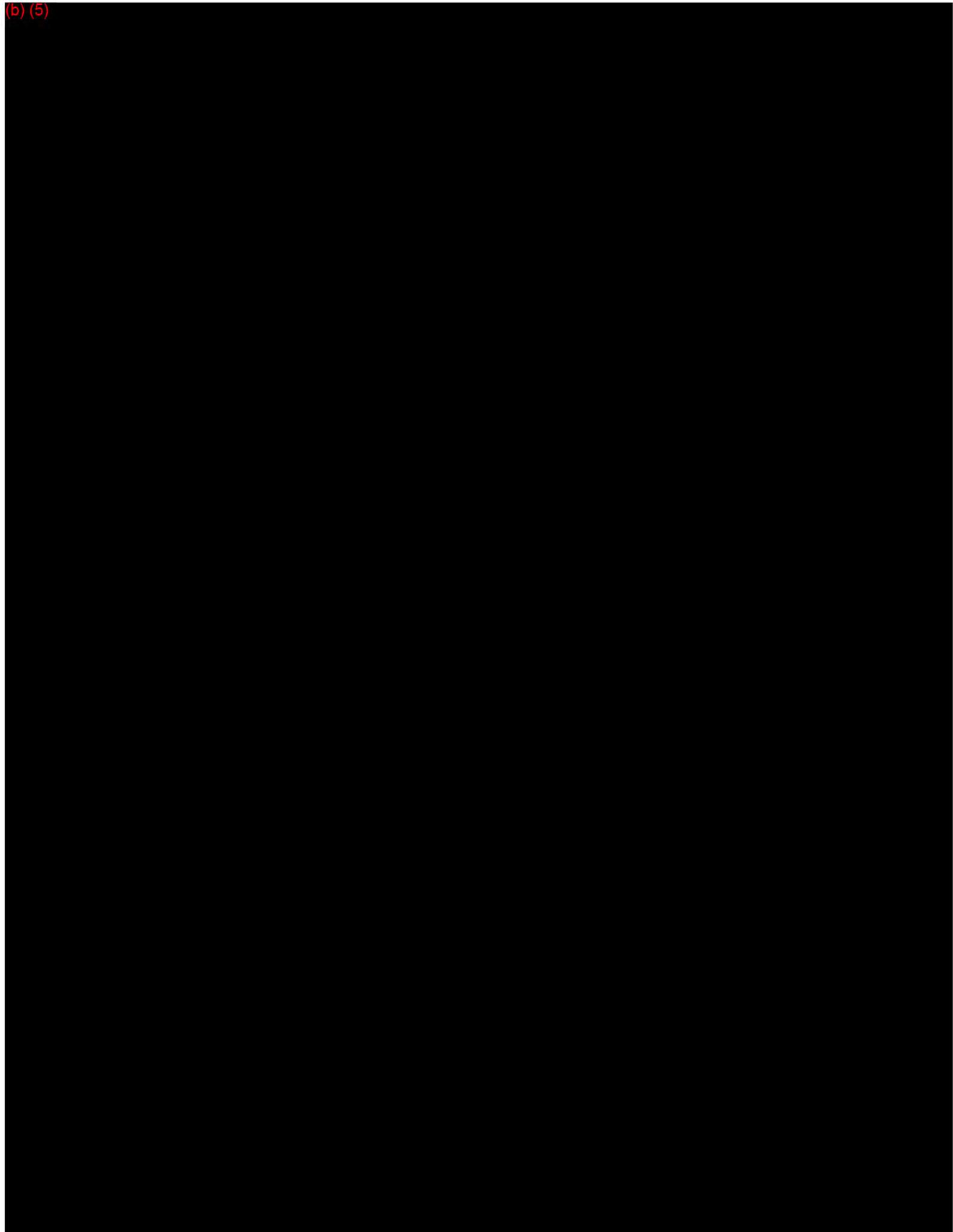
Thanks.

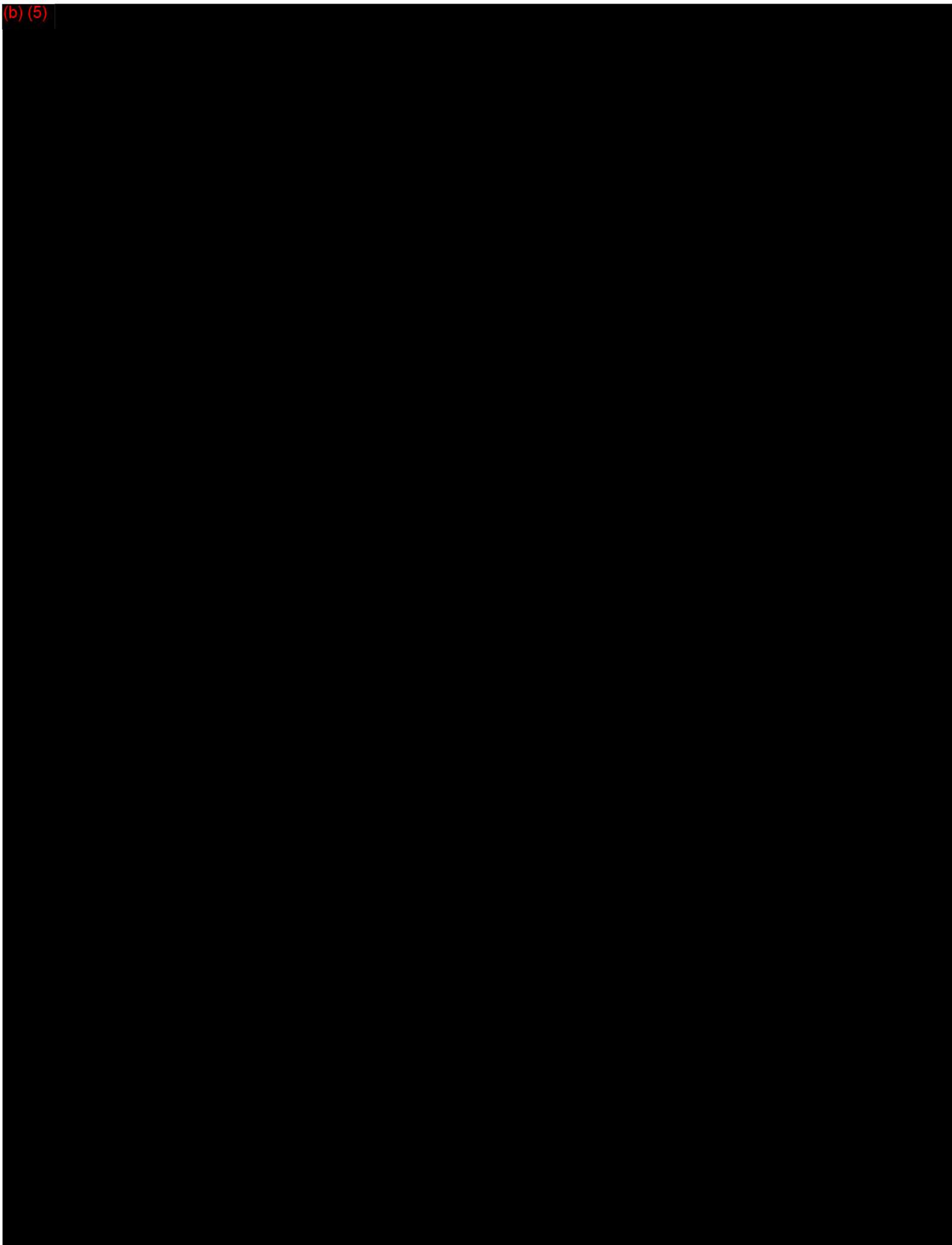
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality  
(b) (6) (Desk)  
(b) (6) (Cell)  
(b) (6)

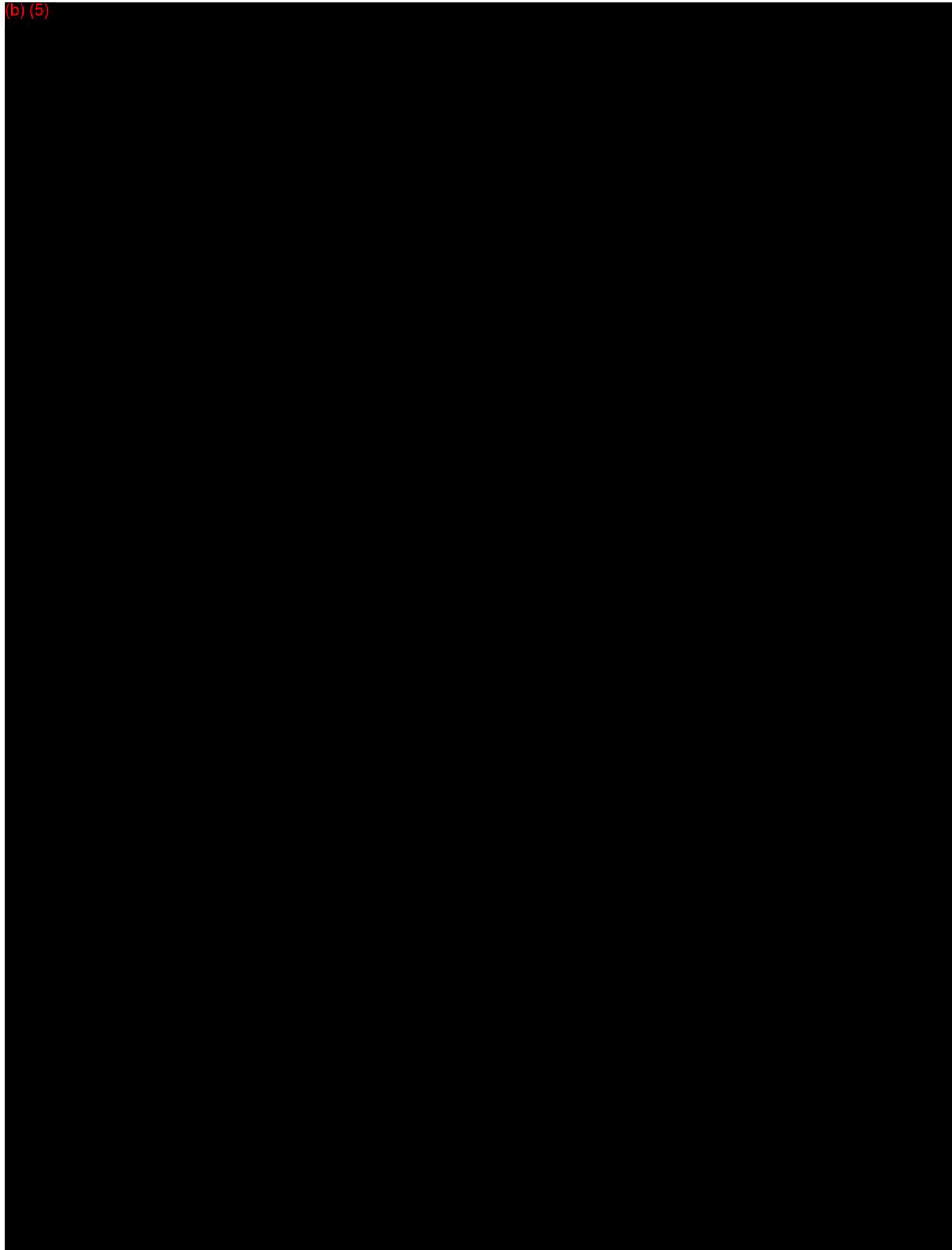


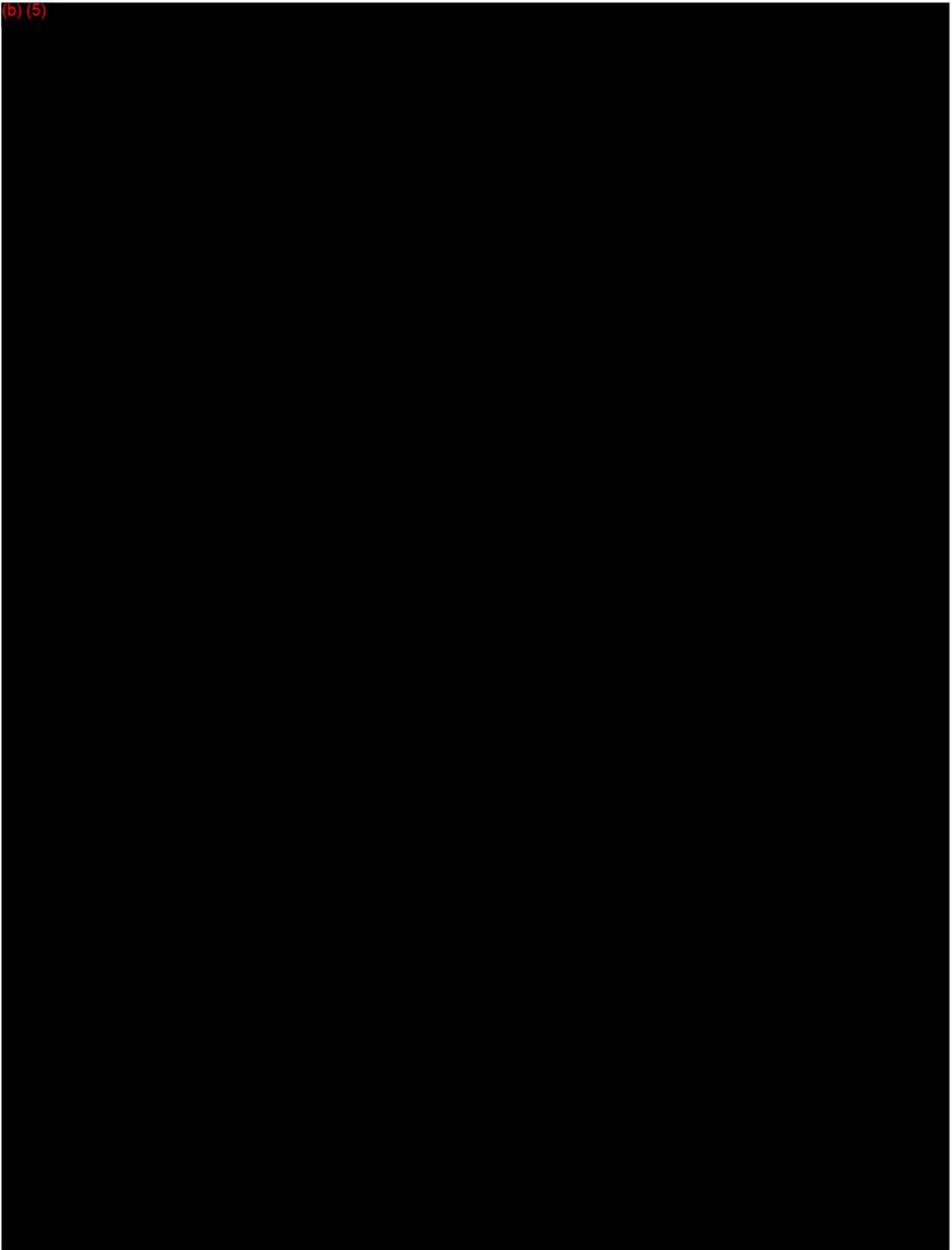


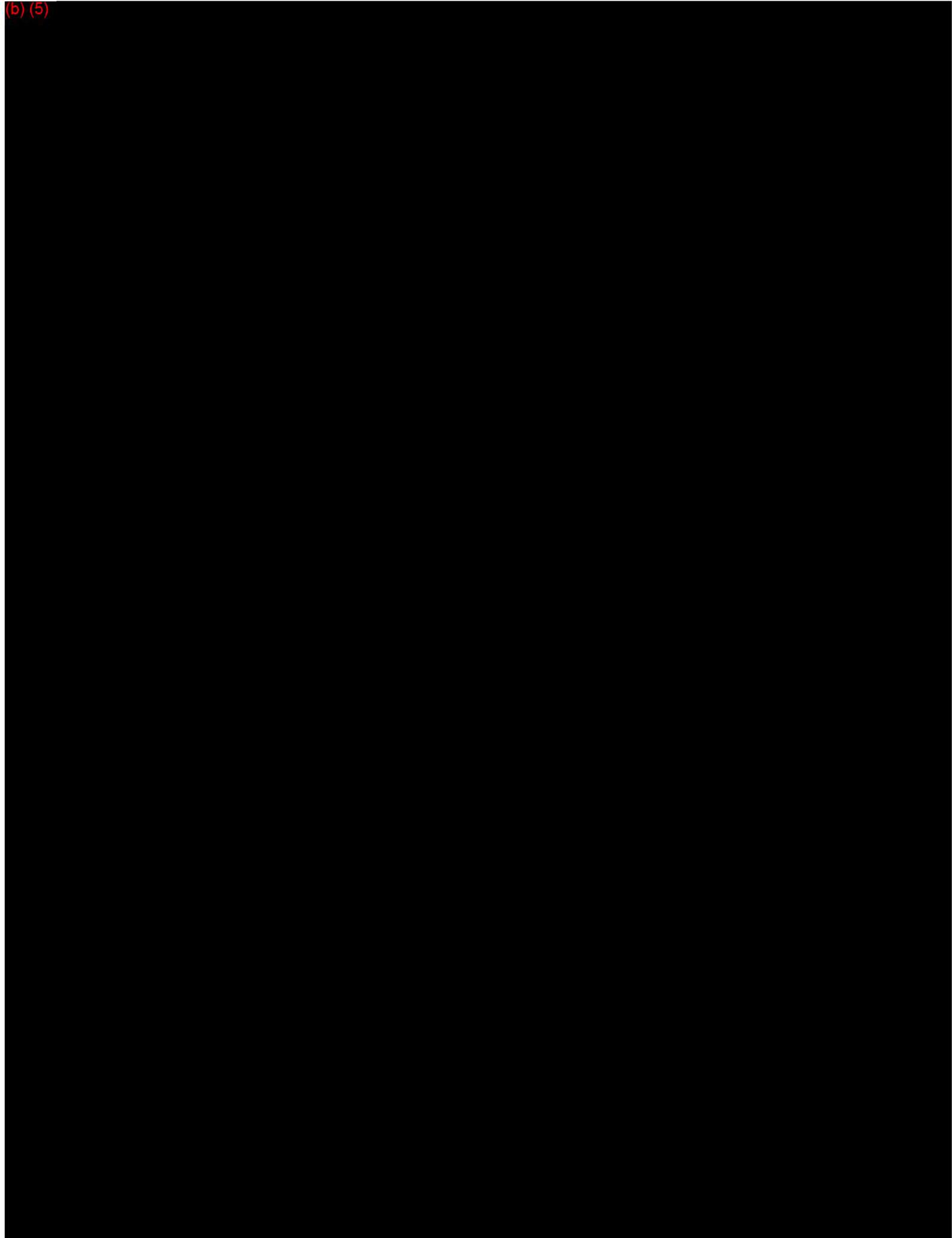


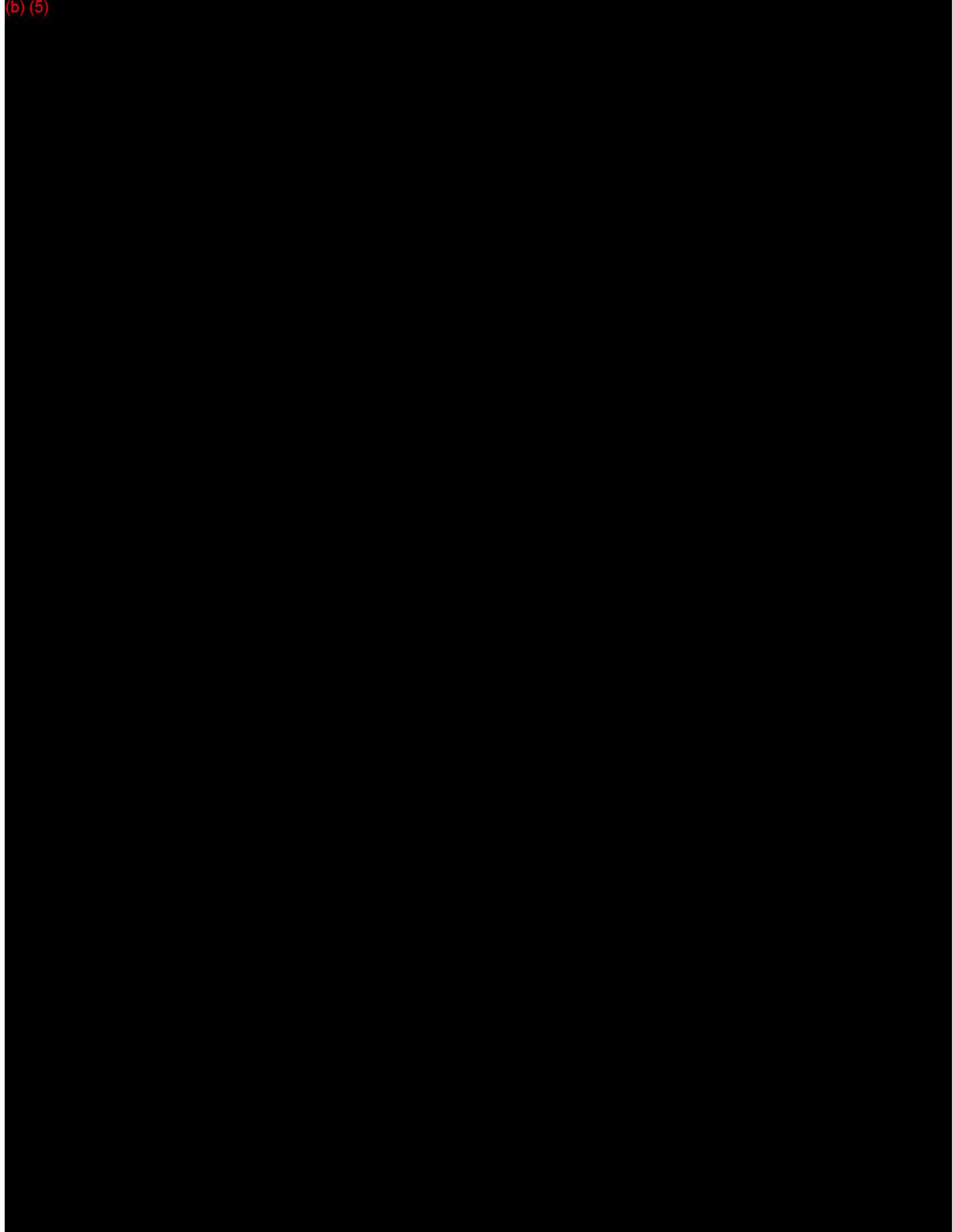












## RE: EO 12866 Review: Revised CEQ NEPA ANPRM

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**From:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>

**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>

**Date:** Fri, 25 May 2018 16:47:59 -0400

I think (b) (5)  
[Redacted]  
[Redacted]

---

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Friday, May 25, 2018 4:45 PM  
**To:** Whiteman, Chad S. EOP/OMB <(b) (6)>  
**Subject:** RE: EO 12866 Review: Revised CEQ NEPA ANPRM

(b) (5)  
[Redacted]

---

**From:** Whiteman, Chad S. EOP/OMB  
**Sent:** Friday, May 25, 2018 4:43 PM  
**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** RE: EO 12866 Review: Revised CEQ NEPA ANPRM

Aaron,  
Thanks for the response (b) (5)  
[Redacted]  
Chad

---

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Friday, May 25, 2018 4:40 PM  
**To:** Whiteman, Chad S. EOP/OMB <(b) (6)>  
**Cc:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** EO 12866 Review: Revised CEQ NEPA ANPRM

Hey Chad,

Please find attached the CEQ NEPA ANPRM based on the comments we have received. We are still deciding whether (b) (5)  
[Redacted]

Thanks.

**Aaron L. Szabo**  
Senior Counsel

**Council on Environmental Quality**

(b) (6) [REDACTED] (Desk)

(b) (6) [REDACTED] (Cell)

(b) (6) [REDACTED]

## RE: EO 12866 Review: Revised CEQ NEPA ANPRM

---

**From:** "Szabo, Aaron L. EOP/CEQ" <"o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=f93a8d1dd2b4420ca81e53ff8199b780-sz">

**To:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>

**Date:** Fri, 25 May 2018 16:44:37 -0400

(b) (5)

**From:** Whiteman, Chad S. EOP/OMB

**Sent:** Friday, May 25, 2018 4:43 PM

**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)>

**Subject:** RE: EO 12866 Review: Revised CEQ NEPA ANPRM

Aaron,

Thanks for the response (b) (5)

Chad

**From:** Szabo, Aaron L. EOP/CEQ

**Sent:** Friday, May 25, 2018 4:40 PM

**To:** Whiteman, Chad S. EOP/OMB <(b) (6)>

**Cc:** Szabo, Aaron L. EOP/CEQ <(b) (6)>

**Subject:** EO 12866 Review: Revised CEQ NEPA ANPRM

Hey Chad,

Please find attached the CEQ NEPA ANPRM based on the comments we have received. (b) (5)

Thanks.

**Aaron L. Szabo**

Senior Counsel

Council on Environmental Quality

(b) (6) (Desk)

(b) (6) (Cell)

(b) (6)

## RE: EO 12866 Review: Revised CEQ NEPA ANPRM

---

**From:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>

**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>

**Date:** Fri, 25 May 2018 16:43:10 -0400

Aaron,

Thanks for the response (b) (5)

[Redacted]

Chad

**From:** Szabo, Aaron L. EOP/CEQ

**Sent:** Friday, May 25, 2018 4:40 PM

**To:** Whiteman, Chad S. EOP/OMB <(b) (6)>

**Cc:** Szabo, Aaron L. EOP/CEQ <(b) (6)>

**Subject:** EO 12866 Review: Revised CEQ NEPA ANPRM

Hey Chad,

Please find attached the CEQ NEPA ANPRM based on the comments we have received. (b) (5)

[Redacted]

Thanks.

**Aaron L. Szabo**

Senior Counsel

Council on Environmental Quality

(b) (6) (Desk)

(b) (6) (Cell)

(b) (6)

## CEQ Federal NEPA Contacts Webinar

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Where: Webinar: (b) (6) (b) (6) (b) (6)

When: Wed Jun 20 15:00:00 2018 (America/New\_York)

Until: Wed Jun 20 16:30:00 2018 (America/New\_York)

Organiser: FN-CEQ-NEPA </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=3dfc5ad8035346949f6dddfa1953a47-fm">

Required Attendees :

- FN-CEQ-NEPA <(b) (6)>
- "Boling, Ted A. EOP/CEQ" <(b) (6)>
- "Drummond, Michael R. EOP/CEQ" <(b) (6)>
- "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>
- "Upchurch, Sara H. EOP/CEQ" <(b) (6)>
- "Hanley, Karen A. EOP/CEQ" <(b) (6)>
- denise.freeman@hq.doe.gov
- "Osterhues, Marlys A. EOP/CEQ" <(b) (6)>

Optional Attendees :

- "Kaisershot, Wesley (Federal)" <wkaisershot@eda.gov>
- "Zepeda, Elizabeth G" <elizabeth.g.zepeda@hud.gov>
- "Foley, Paige A CIV" <paige.a.foley@uscg.mil>
- "Yi, David Y. EOP/OMB" <(b) (6)>
- "Elaine P. Baum" <elaine.baum@ferc.gov>
- "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>
- Robert Noecker - AY-C <robert.noecker@fpisc.gov>
- robert.noecker@gsa.gov
- Claudia Wayne <claudia.wayne@firstnet.gov>
- Robert Scinta <robert.scinta@firstnet.gov>

---

Good afternoon Federal NEPA Contacts,

In advance of tomorrow's webinar, we have updated the tele-conference participant code (correct code is (b) (6)). Please find attached 1) a meeting agenda for tomorrow's webinar, 2) a slide deck for those unable to join the webinar, 3) instructions for joining the webinar, 4) the pre-publication version of the Advance Notice of Proposed Rulemaking for the CEQ NEPA Regulations, and 5) a Report from the Federal Forum on Environmental Collaboration and Conflict Resolution.

Lastly, please take a moment to review your agency's NEPA Contact listed here: <https://ceq.doe.gov/docs/nepa-practice/2018-Federal-NEPA-contacts-and-websites-2018-06-15.pdf> and provide any necessary updates via email to (b) (6).

Sincerely,

The CEQ NEPA Team

\*\*\*\*\*

CEQ will host the Summer Meeting of the Federal NEPA Contacts via webinar on Wednesday, June 20 from 3:00pm – 4:30pm EDT.

Conference number and webinar URL are provided below. An agenda will be provided in advance of the meeting along with a PDF of the webinar slides for those unable to join the webinar.

Audio Conference Details:

Conference Number (Toll Free): (b) (6)

Participant Code: (b) (6)

To join the meeting:

(b) (6)

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If you have never attended an Adobe Connect meeting before:

Test your connection: [https://meet.gsa.gov/common/help/en/support/meeting\\_test.htm](https://meet.gsa.gov/common/help/en/support/meeting_test.htm)

Get a quick overview: <http://www.adobe.com/products/adobeconnect.html>

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# Federal NEPA Contacts Webinar

Wednesday, June 20, 2018

3:00 PM - 4:30 PM

(b) (6) Participant Code (b) (6)

(b) (6)

## Agenda

- 3:00pm Introduction**
- 3:05pm Update from EJ Interagency Working Group NEPA Sub-Committee**
- 3:15pm Update from EPA's Office of Federal Activities**
- 3:20pm CEQ's Review of Regulations Implementing NEPA**
- 3:55pm Updates on CEQ Initiatives**
- o *ECCR Ten Year Report*
  - o *One Federal Decision*
  - o *EIS Timeline Data*
  - o *CE Guidance and CE List*
- 4:05pm OMB Accountability System**
- o *Accountability System –Permitting Dashboard, agency CERPO roles*
- 4:15pm Open Discussion**



# Council on Environmental Quality

Council on Environmental Quality

## *Federal NEPA Contacts Webinar*



*Wednesday, June 20, 2018  
3:00-4:30pm*

*Council on Environmental Quality*



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Council on Environmental Quality

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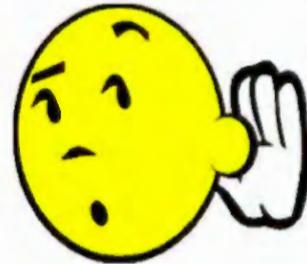
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Council on Environmental Quality

# “Have you heard about the Promising Practices Report?”

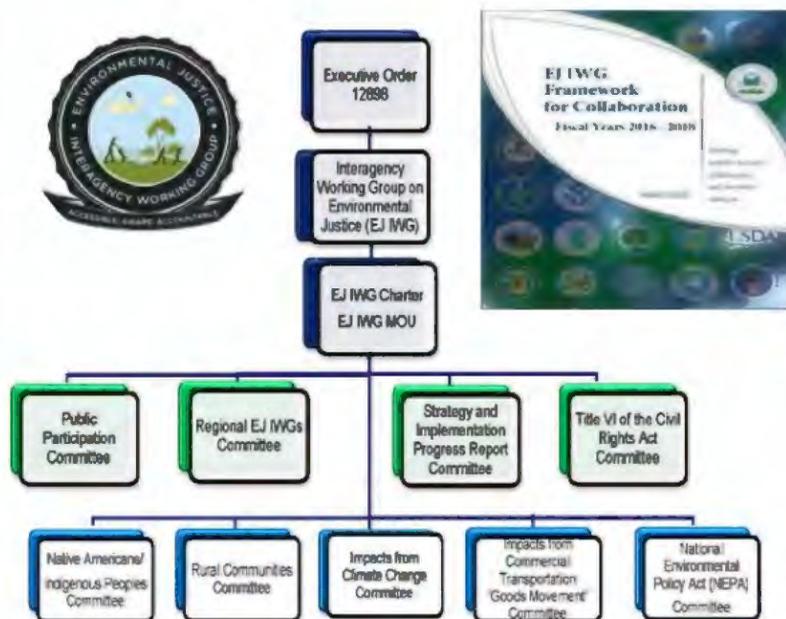


**Denise C. Freeman**  
**Co-chair, NEPA Committee**  
**Federal Interagency Working Group on Environmental Justice**  
**CEQ Federal NEPA Contacts Webinar**

# EJ and NEPA Through the Federal Interagency Working Group on Environmental Justice



## EJ IWG Governance Structure 2016 - 2018



December 2015

## Charter & MOU (2011)

## NEPA Committee Purpose:

Improve effective, efficient and consistent consideration of EJ in the NEPA process

- Share promising practices/lessons learned developed by federal government NEPA practitioners

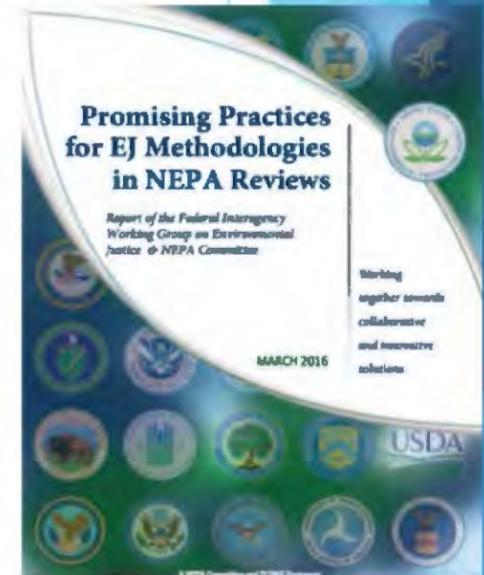
- Provide cross agency training on EJ and NEPA



## Promising Practices for EJ Methodologies in NEPA Reviews Report of the Federal Interagency Working Group on Environmental Justice & NEPA Committee (March 2016)



- The report provides an in-depth collection of principles and practices for considering and addressing EJ issues at every step of the NEPA process and should be used in conjunction with established CEQ and NEPA Guidance.
- The NEPA Committee, comprised of Federal NEPA practitioners across the federal family, believes that all federal agencies can benefit from developing effective, efficient, and consistent approaches to addressing environmental justice in their NEPA process.
- The report is available on the EJ IWG's website:  
<https://www.epa.gov/environmentaljustice/ej-iwg-promising-practices-ej-methodologies-nepa-reviews>.



## Substance: Report on Promising Practices for EJ Methodologies in NEPA Reviews

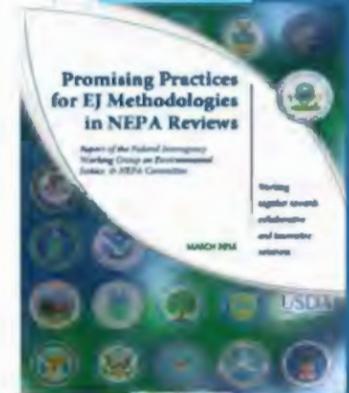
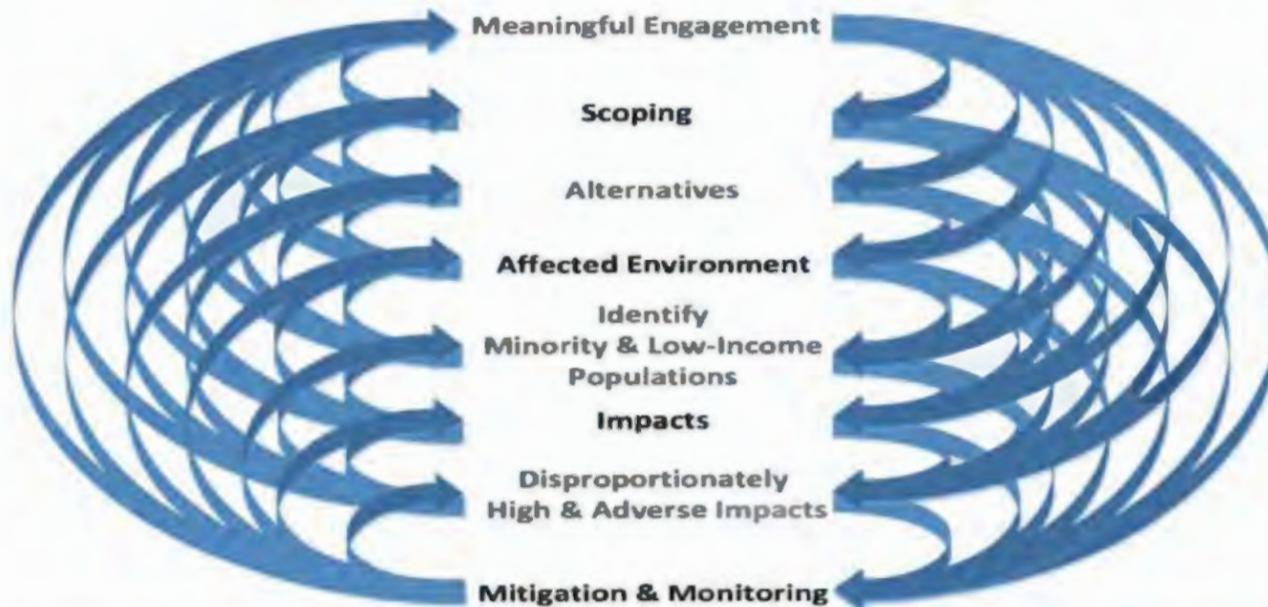


- Compilation of “promising practices” organized in coordinated, functional framework concerning interface of environmental justice considerations through NEPA processes
- Builds upon existing EJ and NEPA Guidance developed by CEQ and federal agencies
- Represents professional experience, knowledge and expertise of individuals participating in the NEPA Committee who are NEPA practitioners in federal agencies
- Captures collective thinking and thoughtful deliberation of shared information and results of research, analysis and discussions
- Joint efforts of the Committee reflect community of NEPA practitioners who seek to enable consideration of EJ within the context of NEPA
- Allows agencies to compare and improve their methodologies for considering EJ now and in the future
- **Does not establish new requirements for NEPA analysis**
- **Is not formal agency guidance**
- **Is not intended to be legally binding or create rights and benefits for any person**

# Elements of the Promising Practices Report



## Environmental Justice Within National Environmental Policy Act Reviews

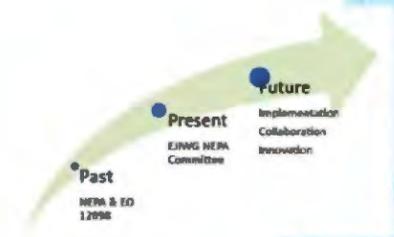




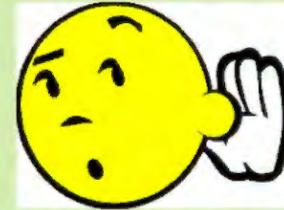
# Future & Next Steps: Implementation Collaboration, and Innovation



- Continue to promote and encourage agency-wide use of the Promising Practices Report
- Publish and promote the use of the Community Guide to Environmental Justice and NEPA Methods
- Support CEQ's efforts in implementing EO 13087



## “Now that you’ve heard about the Promising Practices Report...”



- Spread the word about the Promising Practices Report and the Community Guide, i.e., training or a briefing at your agency
- Volunteer and get involved with our efforts to promote more awareness
- Continue Implementation and Collaboration at your agencies on EJ and NEPA issues
- Give feedback on the Promising Practices Report



Thank You

Denise C. Freeman

Denise.Freeman@hq.doe.gov

# EPA NEPA/309 Update



# NEPA/309 Survey Results

- ▶ Over 160 respondents across 43 agencies
- ▶ Feedback centered around 3 primary subject areas:
  - ▶ Quality and consistency of 309 letters
  - ▶ Value of early engagement
  - ▶ Utility of 309 Rating System



## Subsequent EPA Actions

- ▶ Letter Writing Guidance to regions (August 2017)
- ▶ Increased emphasis on early engagement
- ▶ Evaluation of alternatives to current 309 Rating System





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Council on Environmental Quality

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14

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Council on Environmental Quality



# Questions?

Council on Environmental Quality

The screenshot shows the NEPA.GOV website. At the top, there is a search bar and a navigation menu with links for HOME, LAWS & REGULATIONS, GUIDANCE, GET INVOLVED, NEPA PRACTICE, CEO PUBLICATIONS, and CEO REPORTS. The main banner features the text "INFRASTRUCTURE PERMITTING IMPROVEMENTS" with a "READ MORE" button. Below the banner, a "Welcome" section contains the following text:

The National Environmental Policy Act (NEPA) was enacted to declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation, and to establish a Council on Environmental Quality (Sec. 2 (42 U.S. Code § 4321)

NEPA is our basic national charter for protection of the environment. It establishes policy, sets goals (section 101), and provides means (section 102) for carrying out the policy. Section 102 (2) contains "action-forcing" provisions to make sure that federal agencies act according to the letter and spirit of the Act.

President Nixon signed NEPA into law on January 1, 1970. NEPA set forth a bold new vision for America. Acknowledging the decades of environmental neglect that had significantly degraded the nation's landscape and damaged the human environment, the law was established to foster and promote the general welfare; to create and maintain conditions under which

<https://ceq.doe.gov/index.html>



Council on Environmental Quality



[3225-F8]

**COUNCIL ON ENVIRONMENTAL QUALITY**

**40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508**

**[Docket No. CEQ-2018-0001]**

**RIN: 0331-AA03**

**Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act**

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations substantively only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

**DATES:** Comments should be submitted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number CEQ-2018-0001 through the Federal eRulemaking portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Boling, Associate  
Director for the National Environmental Policy Act, Council on Environmental Quality,  
730 Jackson Place, N.W., Washington, DC 20503. Telephone: (202) 395-5750.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq., was enacted in 1970. NEPA states that “it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” 42 U.S.C. § 4331(a). NEPA also established CEQ as an agency within the Executive Office of the President. 42 U.S.C. § 4342.

By Executive Order (E.O.) 11514, “Protection and Enhancement of Environmental Quality” (March 5, 1970), President Nixon directed CEQ in Section 3(h) to issue “guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act.” CEQ published these guidelines in April of 1970 and revised them in 1973.

President Carter issued E.O. 11991 (May 24, 1977), “Relating to Protection and Enhancement of Environmental Quality,” which amended Section 3(h) of E.O. 11514 to direct CEQ to issue regulations providing uniform standards for the implementation of

NEPA, and amended Section 2 of E.O. 11514 to require agency compliance with the CEQ regulations. CEQ promulgated its “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” (CEQ’s NEPA regulations) at 40 CFR parts 1500-1508. 43 FR 55978 (November 29, 1978). Since that time, CEQ has amended its NEPA regulations substantively only once, to eliminate the “worst case” analysis requirement of 40 CFR 1502.22. 51 FR 15618 (April 25, 1986).

On August 15, 2017, President Trump issued E.O. 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.” 82 FR 40463 (August 24, 2017). Section 5(e) of E.O. 13807 directed CEQ to develop an initial list of actions to enhance and modernize the Federal environmental review and authorization process. In response, CEQ published its initial list of actions pursuant to E.O. 13807 and stated that it intends to review its existing NEPA regulations in order to identify changes needed to update and clarify these regulations. 82 FR 43226 (September 14, 2017).

## **II. Request for Comment**

CEQ requests comments on potential revisions to update and clarify CEQ NEPA regulations. In particular, CEQ requests comments on the following specific aspects of these regulations, and requests that commenters include question numbers when providing responses. Where possible, please provide specific recommendations on additions, deletions, and modifications to the text of CEQ’s NEPA regulations and their justifications.

### ***NEPA Process:***

1. Should CEQ's NEPA regulations be revised to ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?
2. Should CEQ's NEPA regulations be revised to make the NEPA process more efficient by better facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?
3. Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

***Scope of NEPA Review:***

4. Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?
5. Should CEQ's NEPA regulations be revised to provide greater clarity to ensure NEPA documents better focus on significant issues that are relevant and useful to decisionmakers and the public, and if so, how?
6. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?
7. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised, and if so, how?
  - a. Major Federal Action;
  - b. Effects;

- c. Cumulative Impact;
  - d. Significantly;
  - e. Scope; and
  - f. Other NEPA terms.
8. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?
- a. Alternatives;
  - b. Purpose and Need;
  - c. Reasonably Foreseeable;
  - d. Trivial Violation; and
  - e. Other NEPA terms.
9. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?
- a. Notice of Intent;
  - b. Categorical Exclusions Documentation;
  - c. Environmental Assessments;
  - d. Findings of No Significant Impact;
  - e. Environmental Impact Statements;
  - f. Records of Decision; and
  - g. Supplements.
10. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?

11. Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?
12. Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised, and if so, how?
13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

***General:***

14. Are any provisions of the CEQ's NEPA regulations currently obsolete? If so, please provide specific recommendations on whether they should be modified, rescinded, or replaced.
15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient?
16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization decisions, such as combining NEPA analysis and other decision documents, and if so, how?
17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?
18. Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations, and if so, how?

19. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, and if so, how?

20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

(Authority: 42 U.S.C. 4332, 4342, 4344 and 40 CFR Parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508)

### **III. Statutory and Executive Order Reviews**

Under E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993), this is a "significant regulatory action." Accordingly, CEQ submitted this action to the Office of Management and Budget (OMB) for review under E.O. 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, and instead seeks comments and suggestions for CEQ to consider in possibly developing a subsequent proposed rule, the various statutes and executive orders that normally apply to rulemaking do not apply in this case. If CEQ decides in the future to pursue a rulemaking, CEQ will address the statutes and executive orders applicable to that rulemaking at that time.

Mary B. Neumayr,

*Chief of Staff, Council on Environmental Quality.*

[FR Doc. 2018-13246 Filed: 6/19/2018 8:45 am; Publication Date: 6/20/2018]

## Most Recent Draft of ANPRM

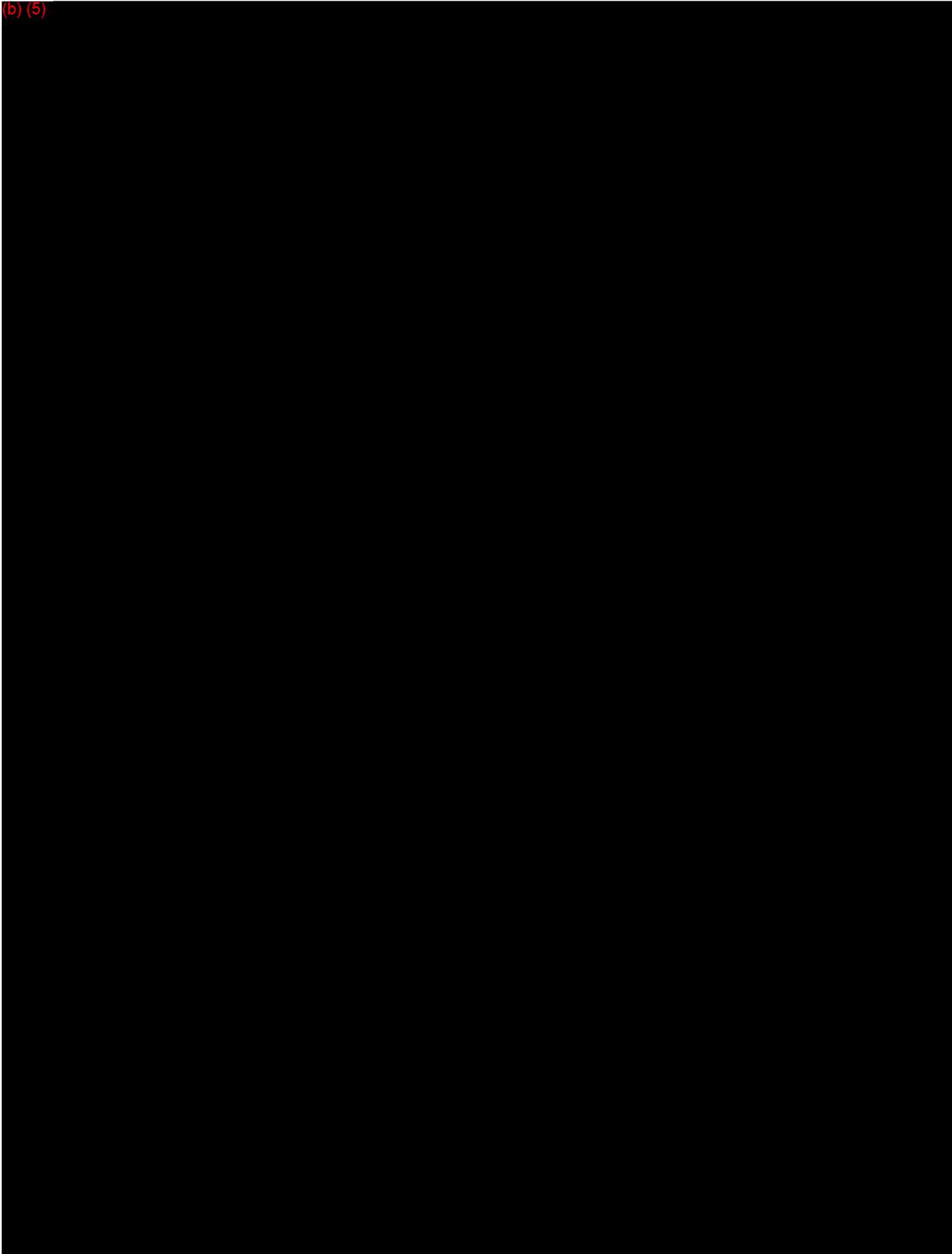
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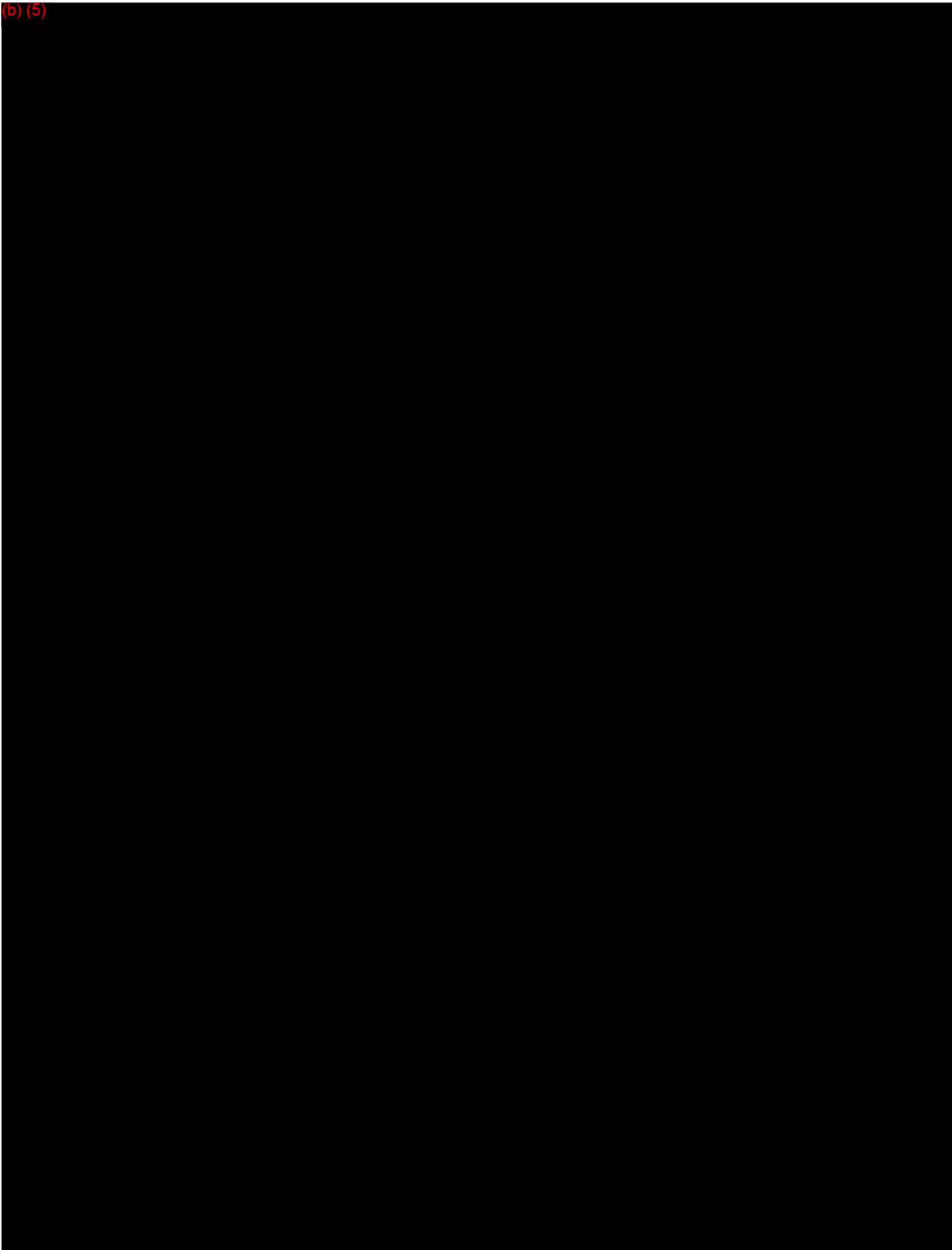
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**To:** "Daniel J. EOP/CEQ Schneider (b) (6)" <(b) (6)> "Pettigrew, Theresa L. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 11 Jun 2018 10:20:21 -0400  
**Attachments:** EO12866 Review CEQ NEPA ANPRM\_Revised\_Clean\_Final.docx (47.46 kB)

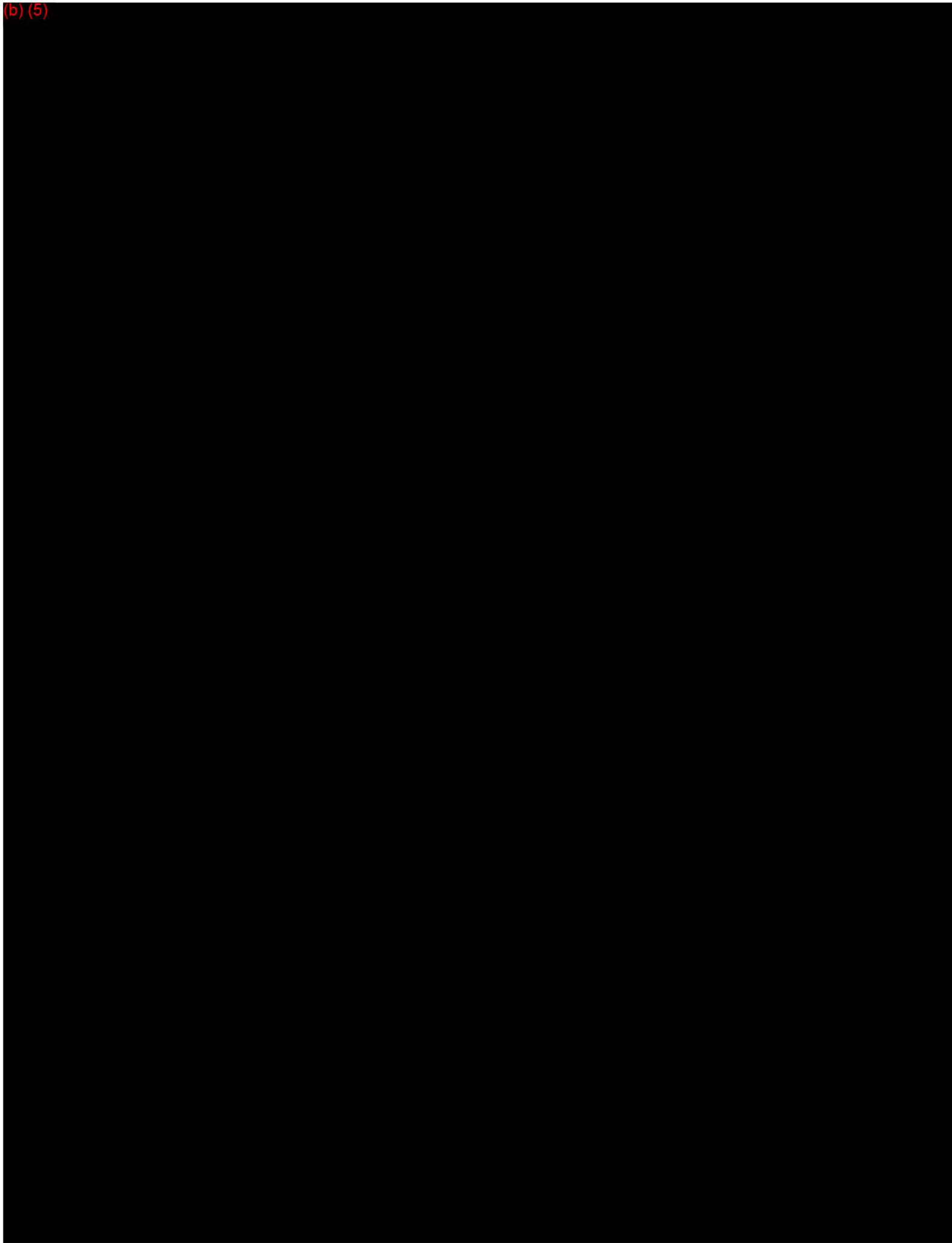
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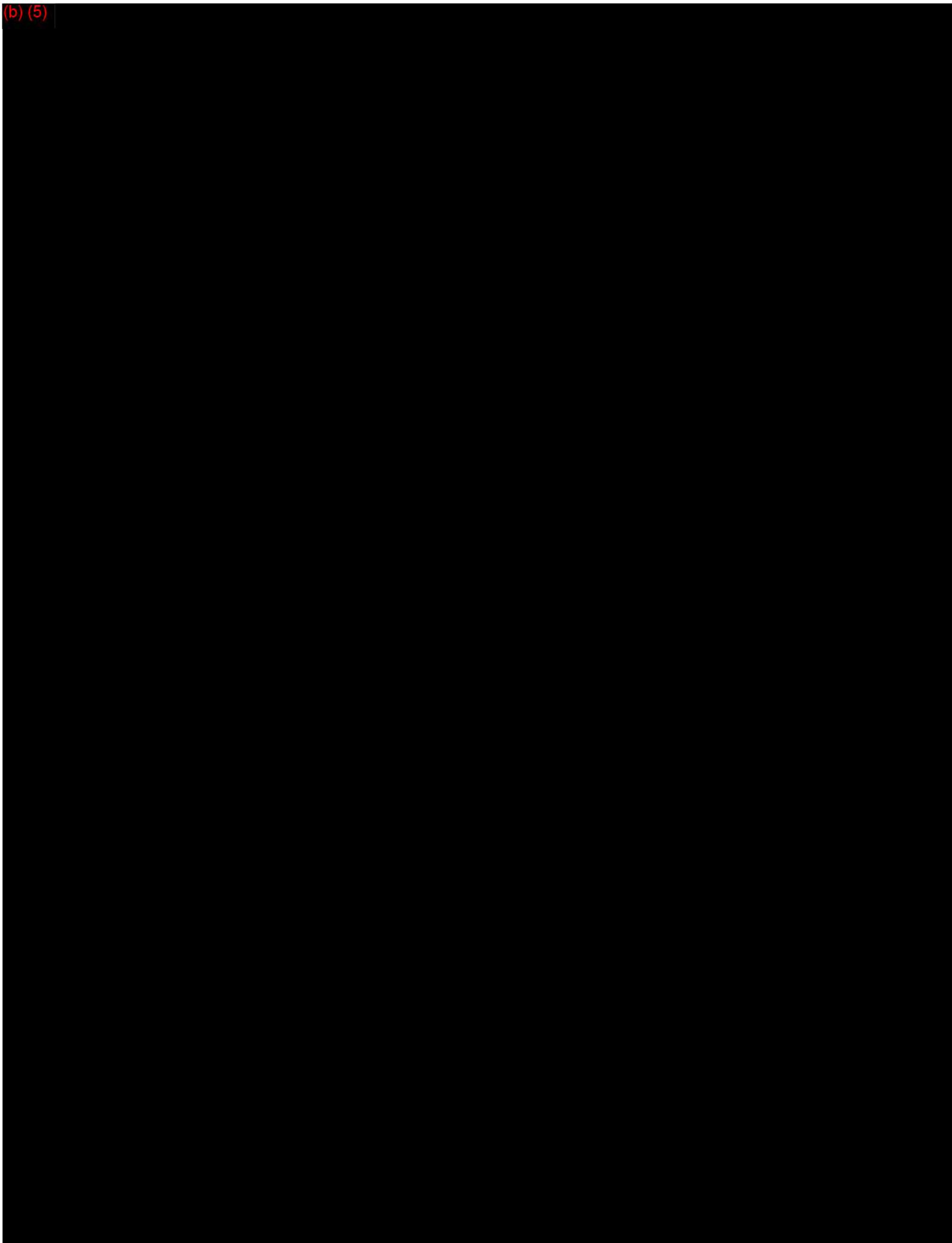
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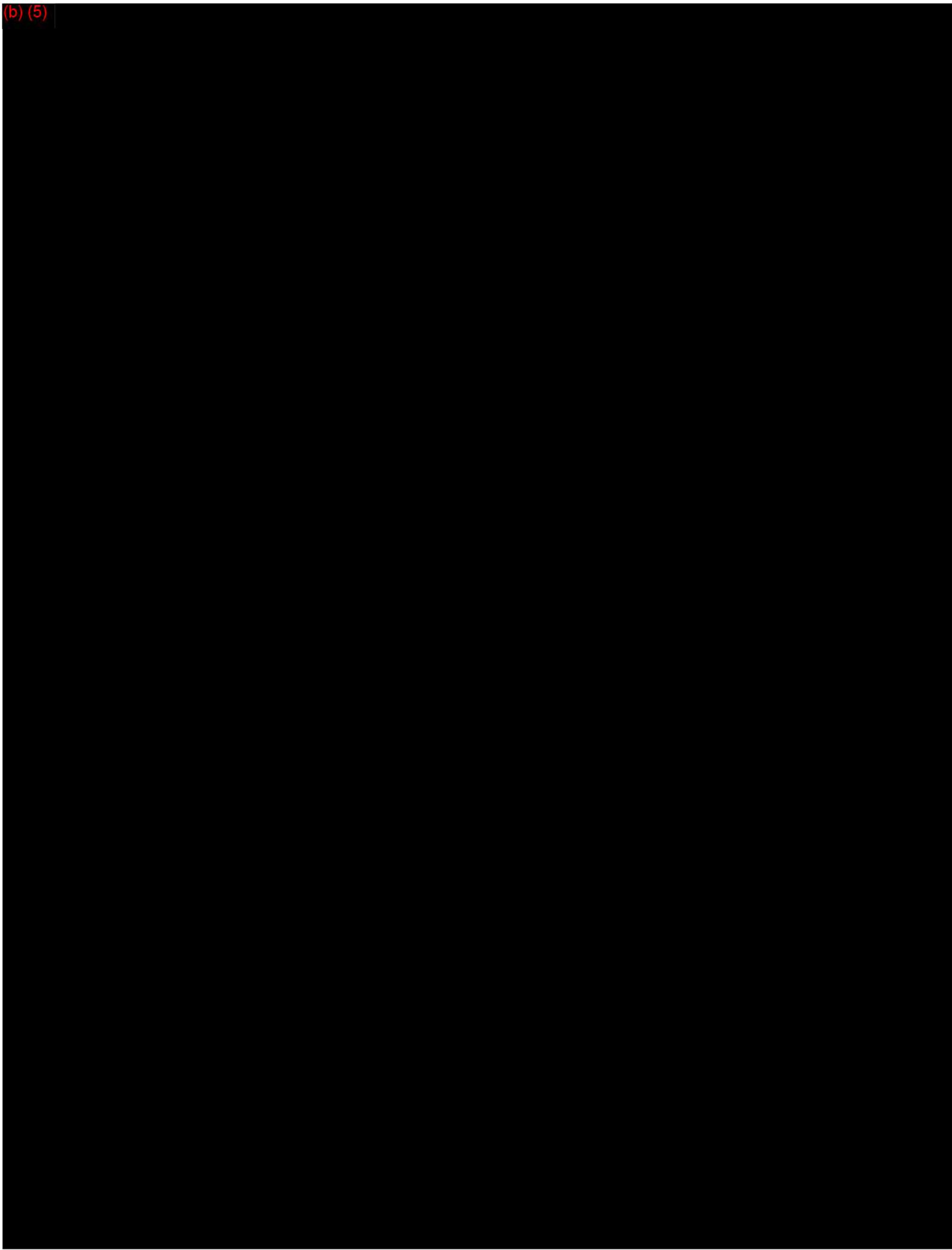
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality  
(b) (6) (Desk)  
(b) (6) (Cell)  
(b) (6)

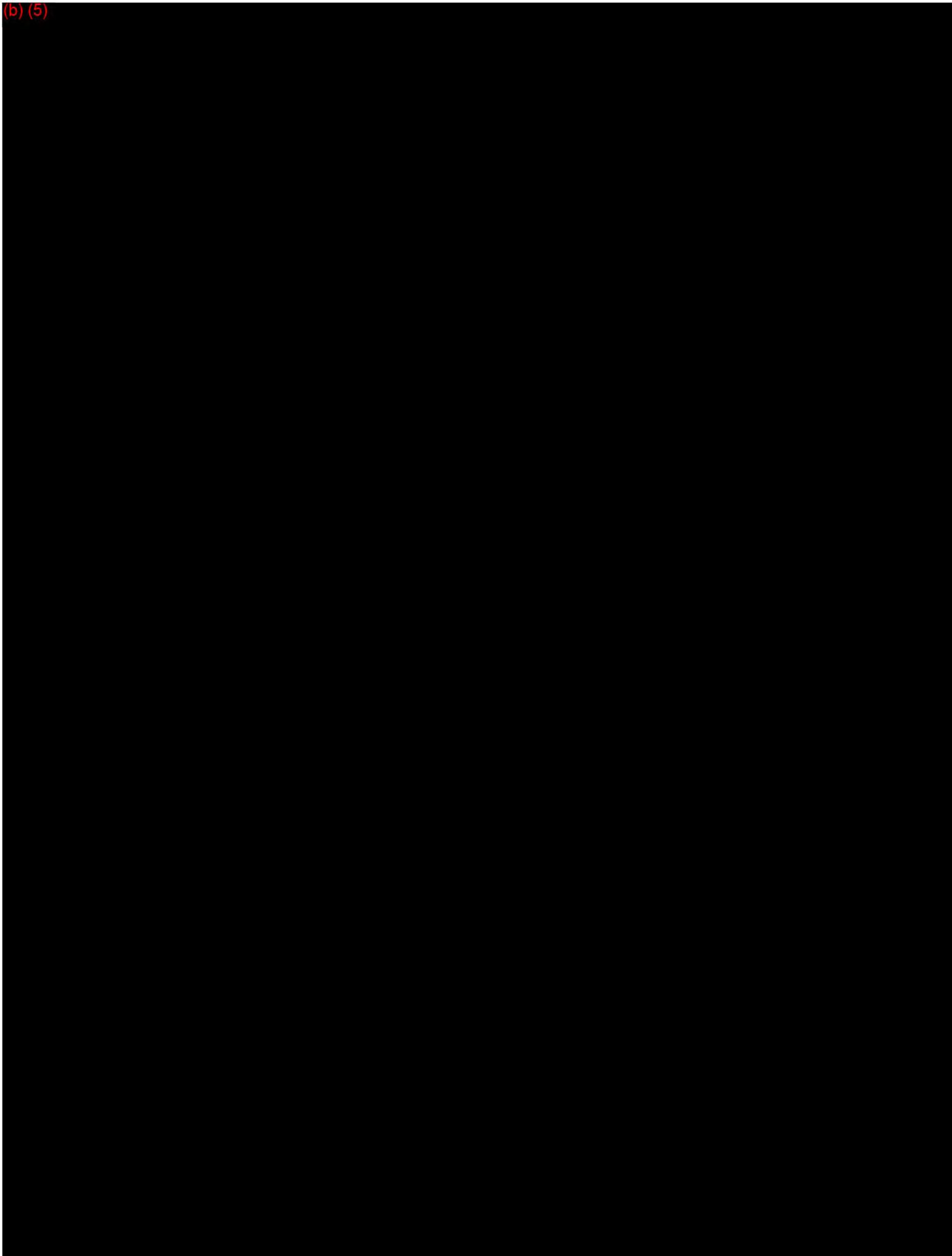


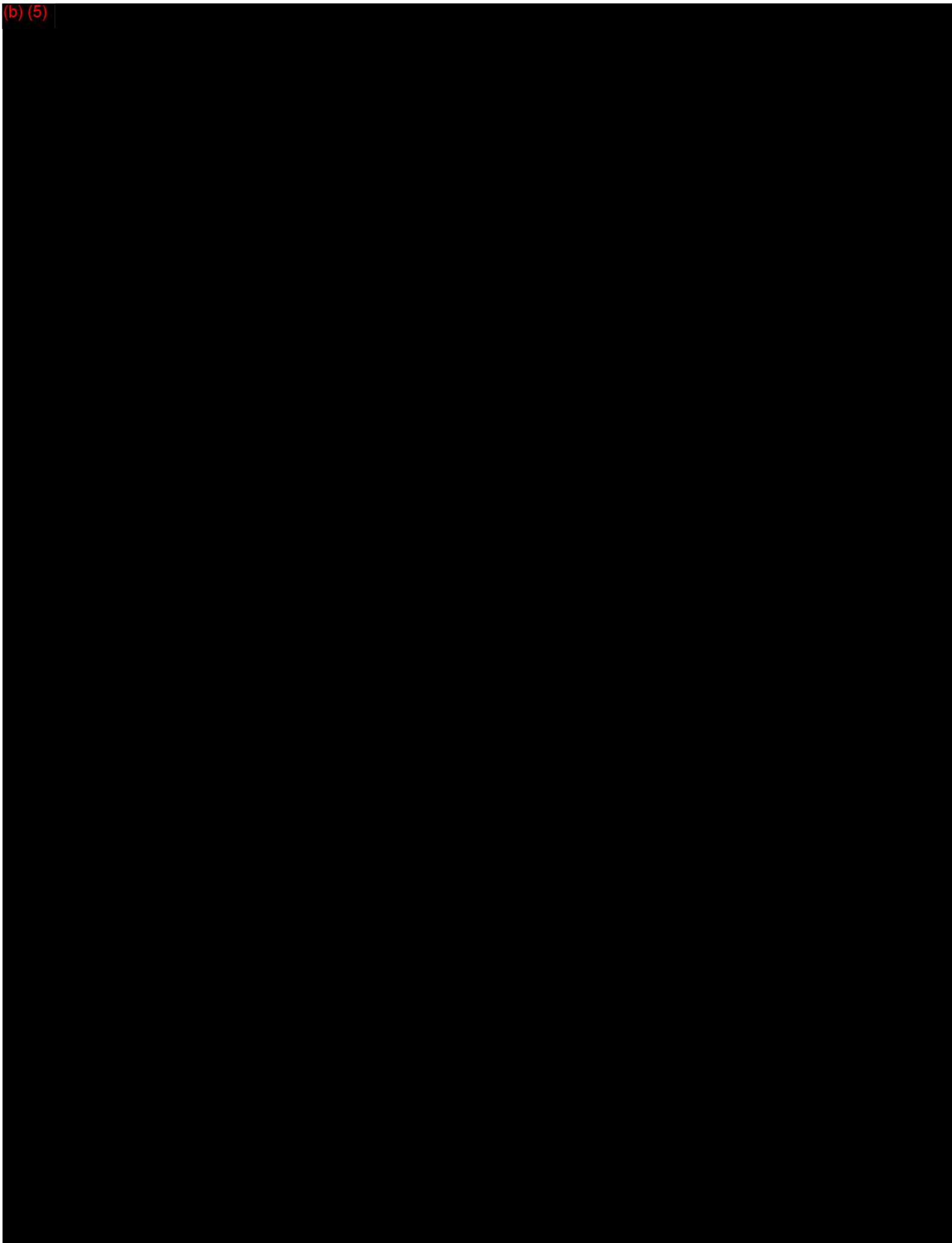


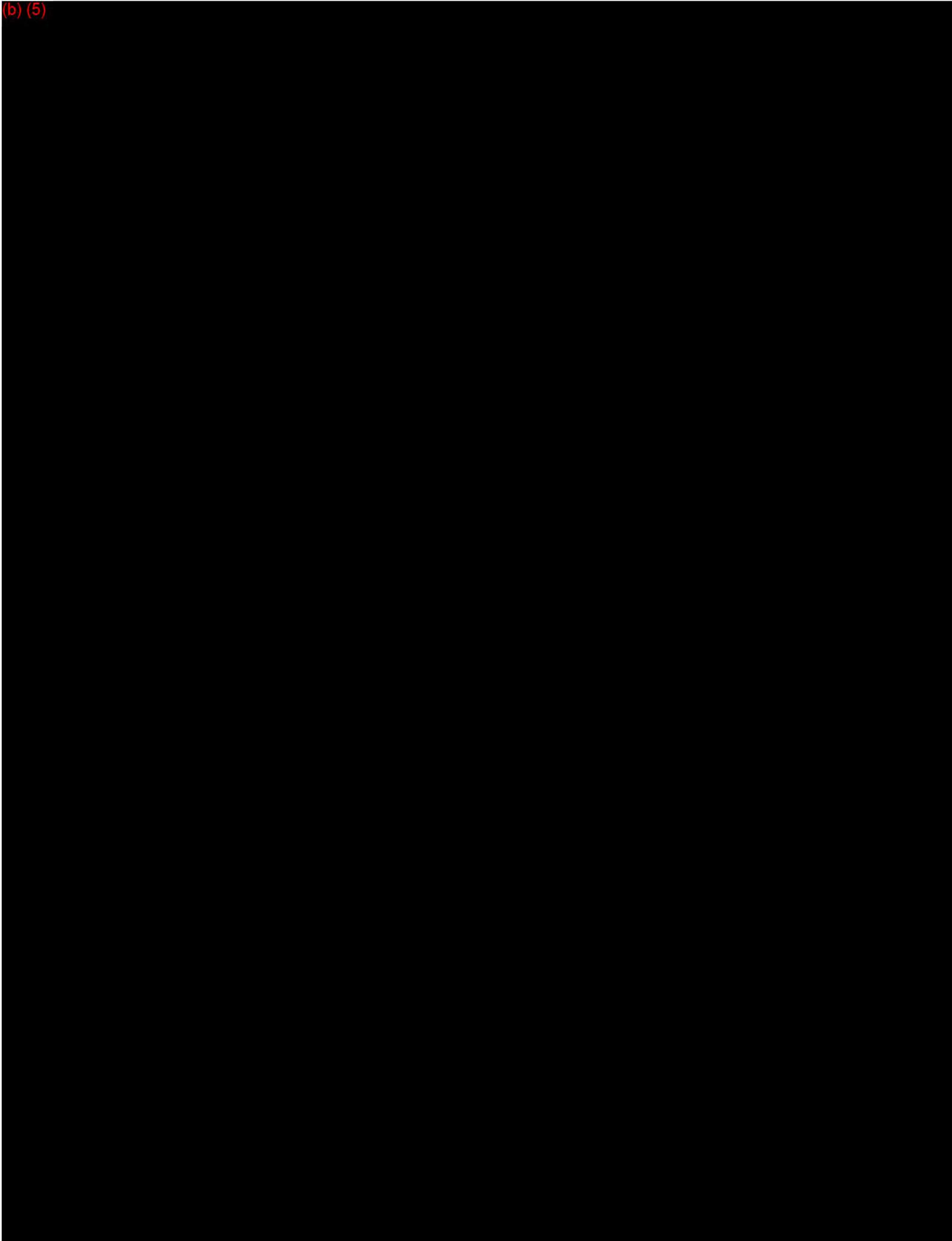


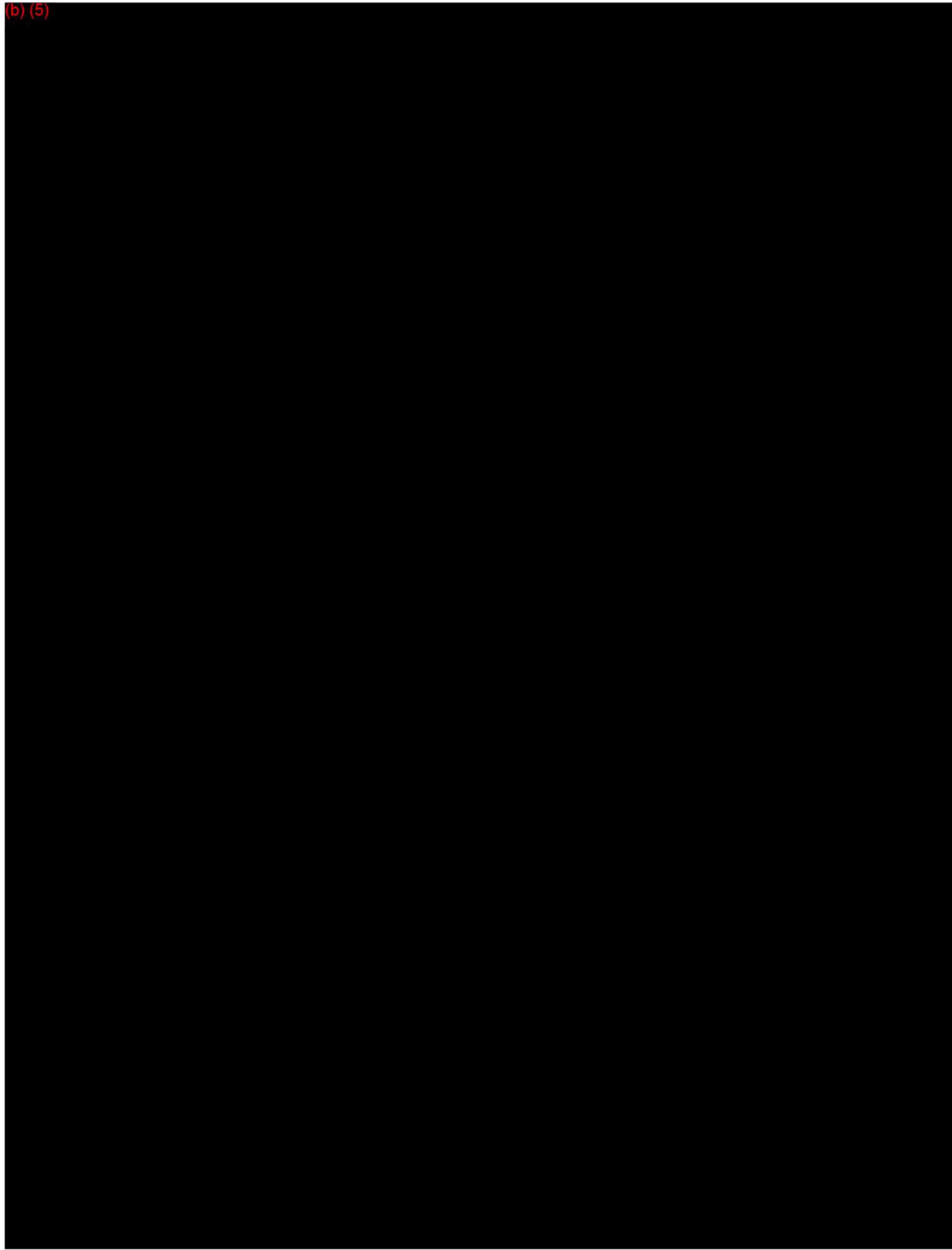












## Final Check: CEQ ANPRM

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**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Cc:** "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 12 Jun 2018 09:19:14 -0400  
**Attachments**  
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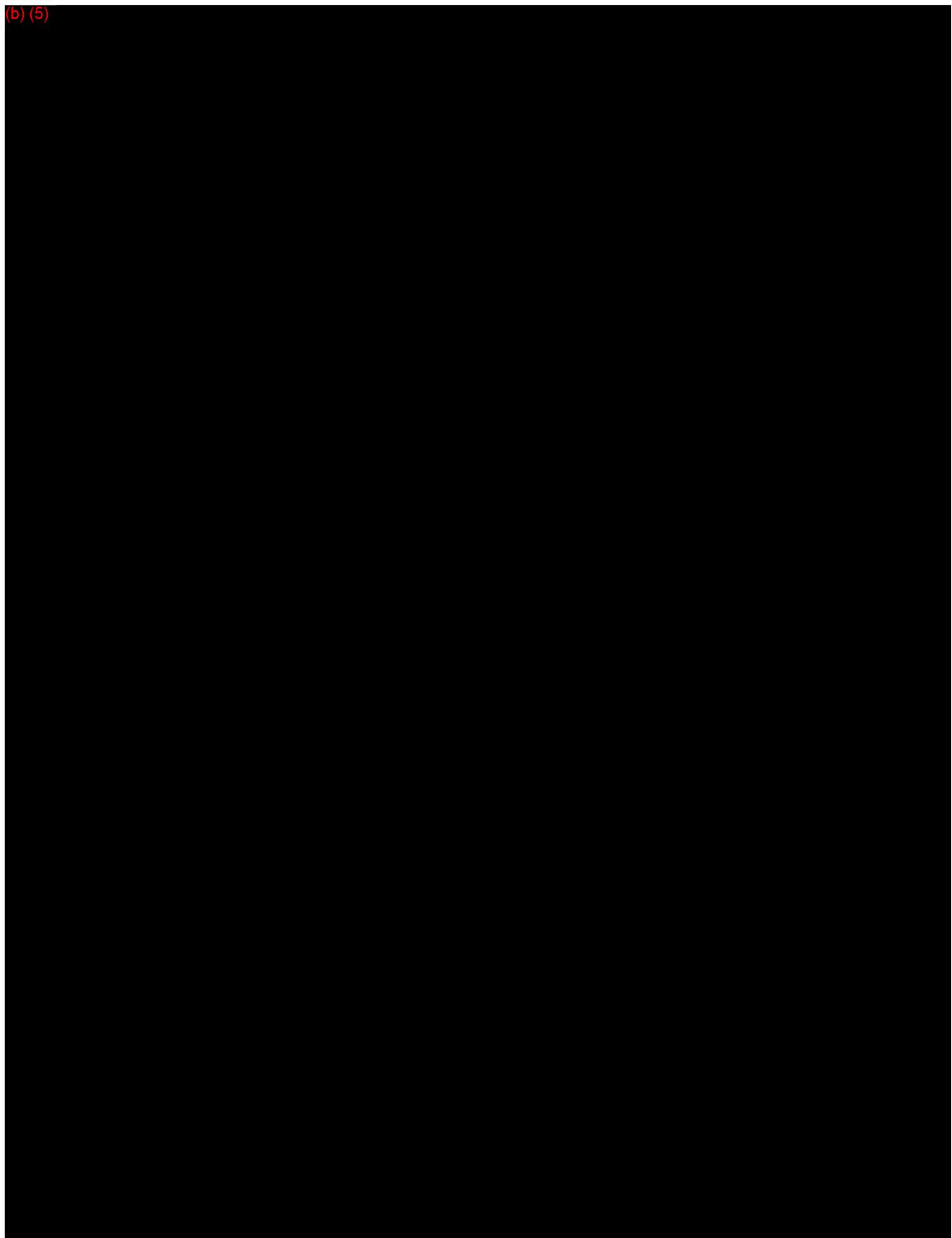
Hey Mary and Viktoria,

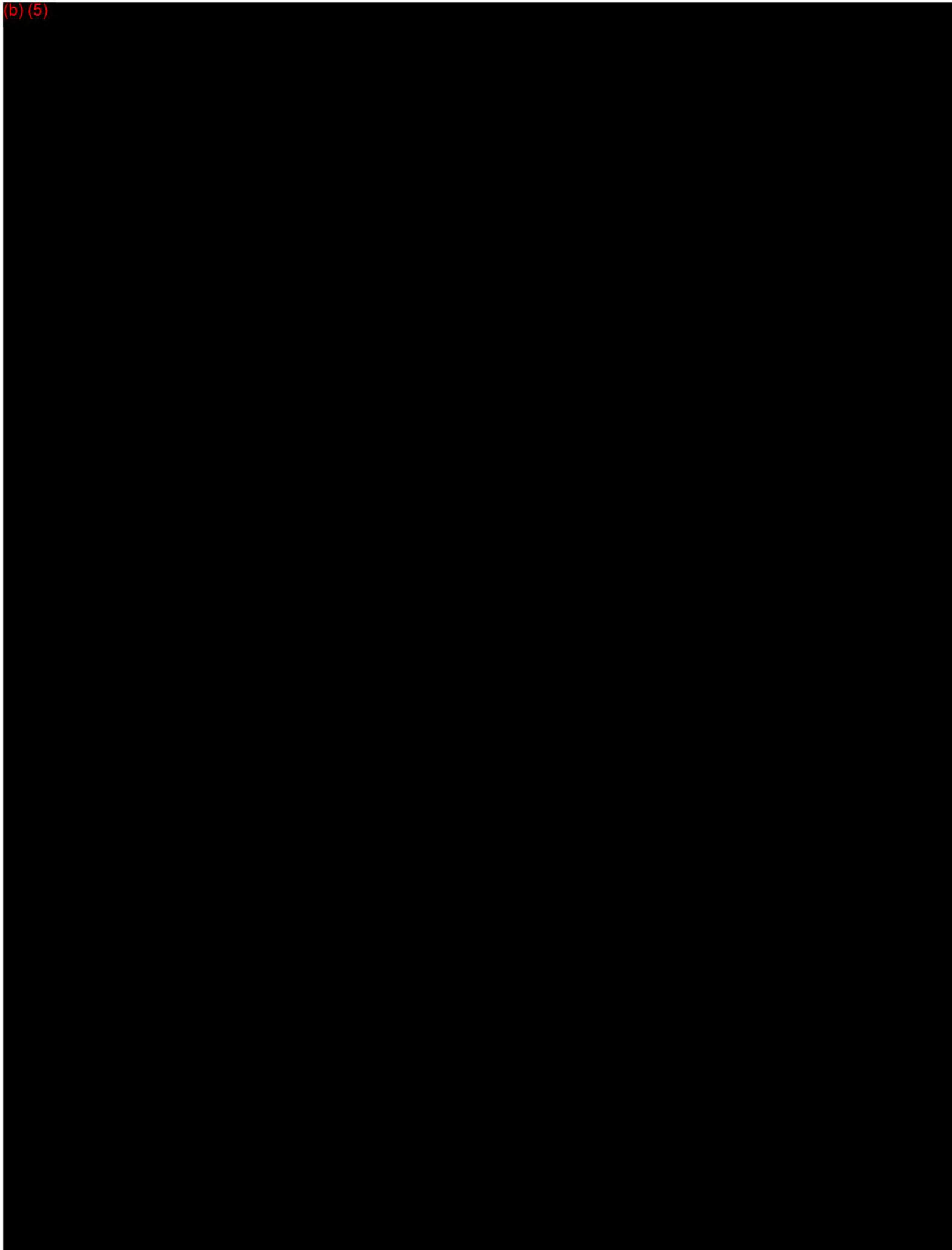
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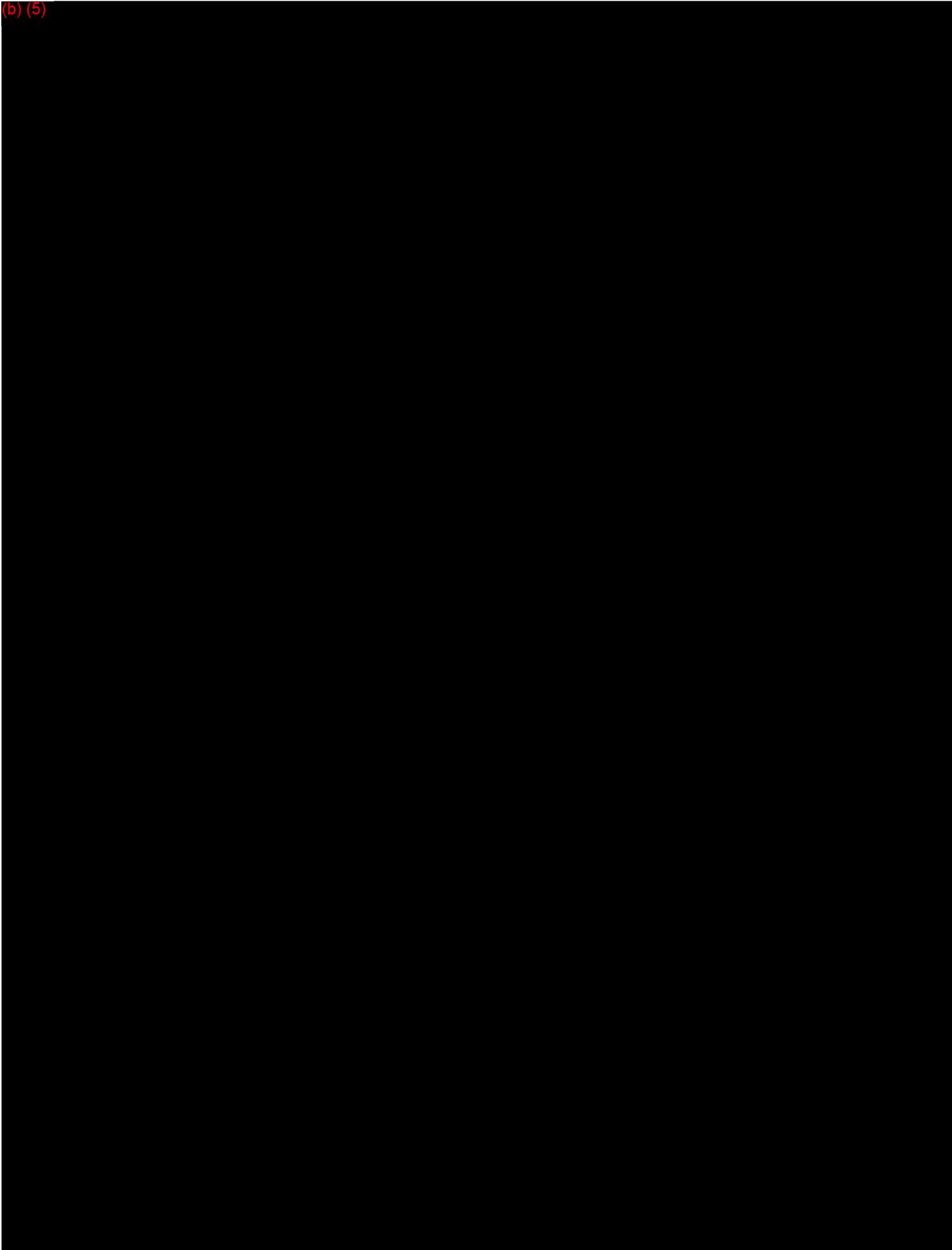
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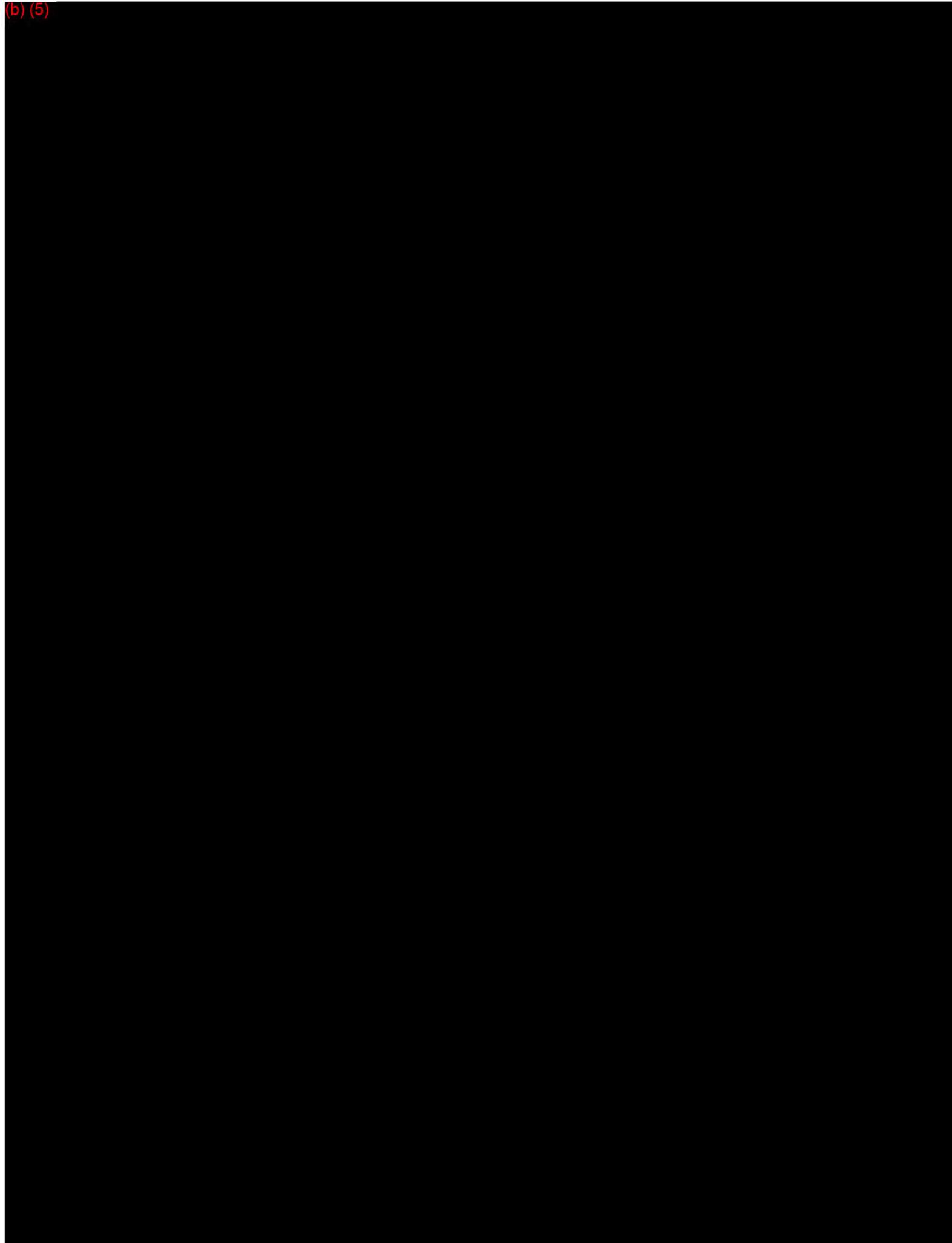
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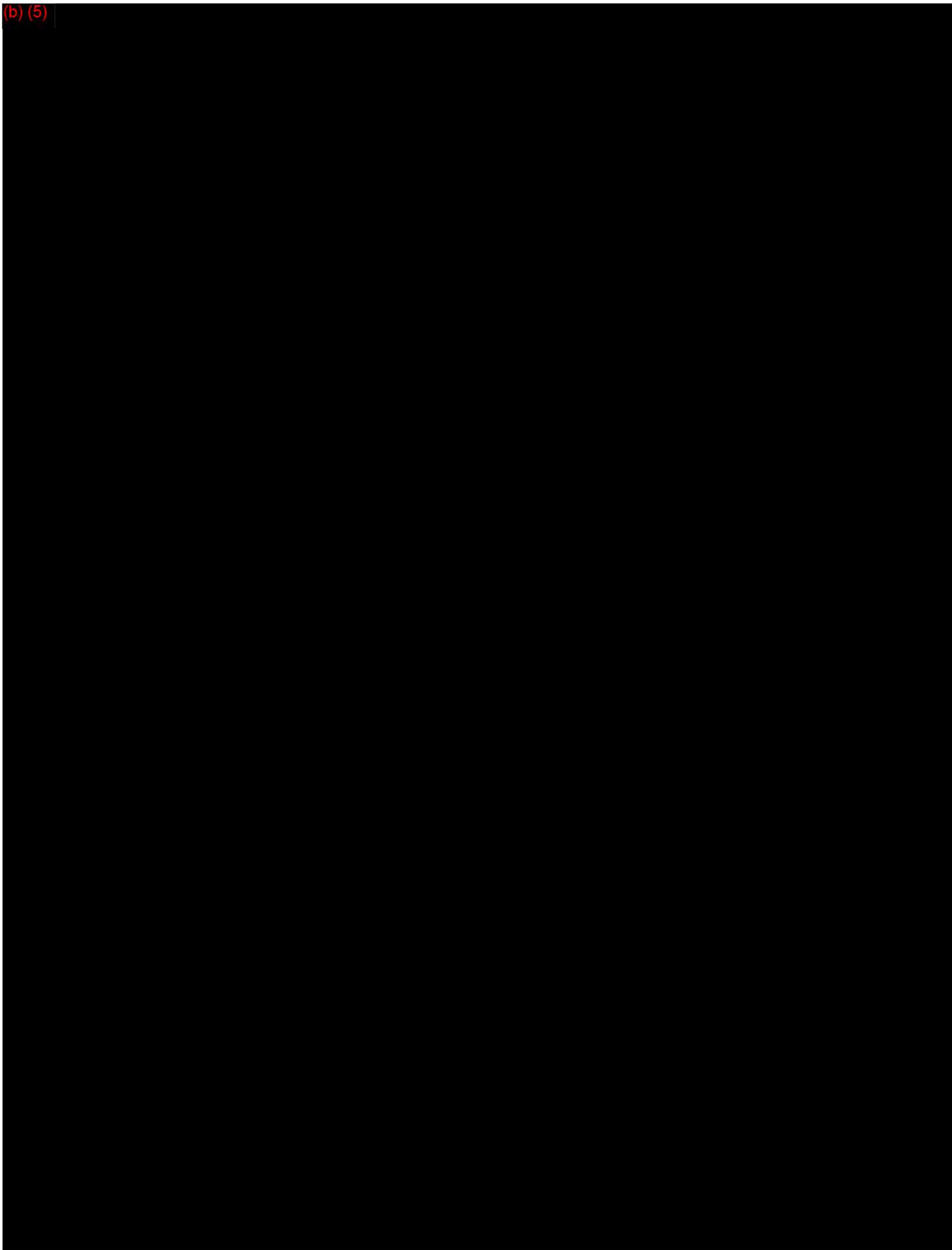
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality  
(b) (6) (Desk)  
(b) (6) (Cell)  
(b) (6)

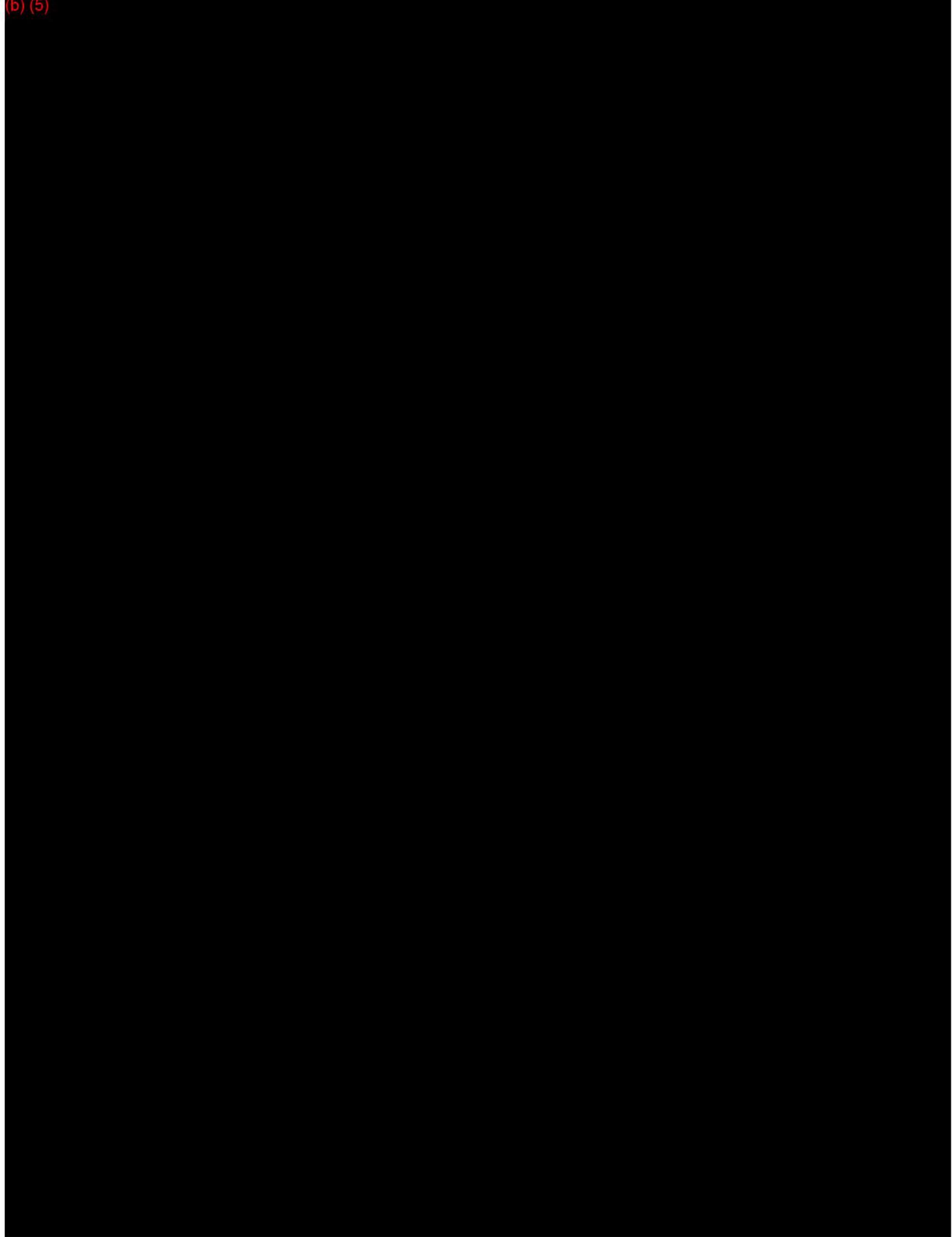


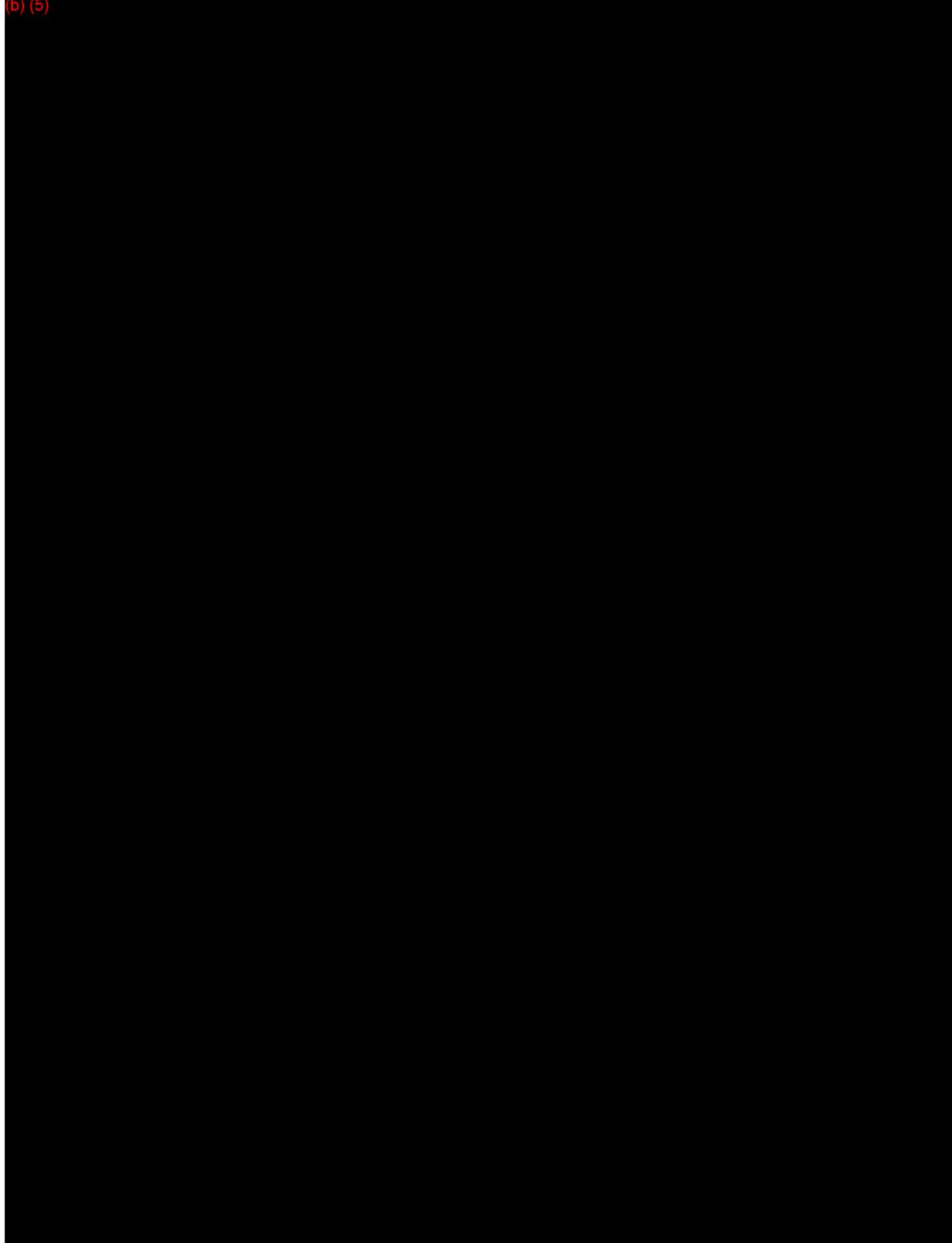


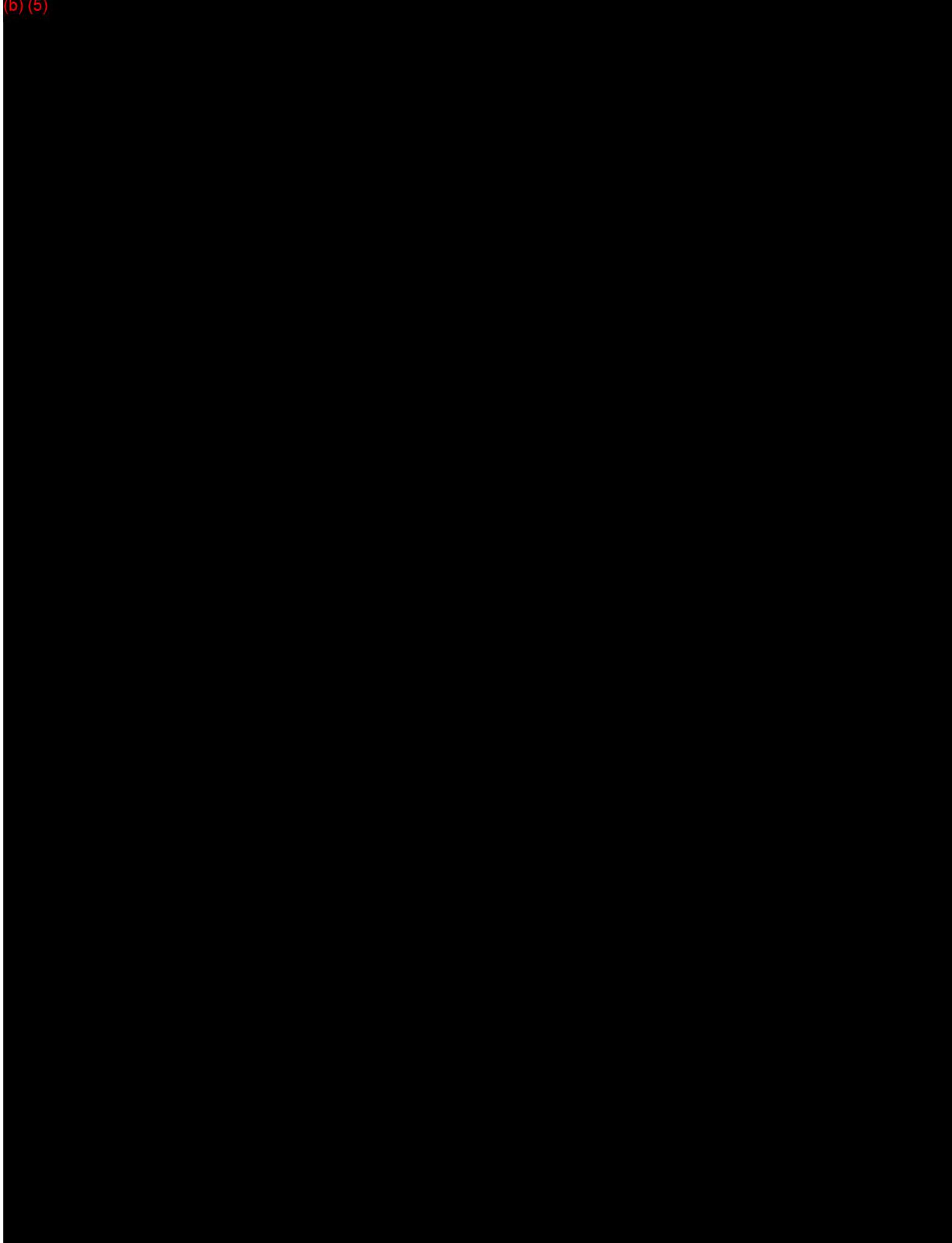


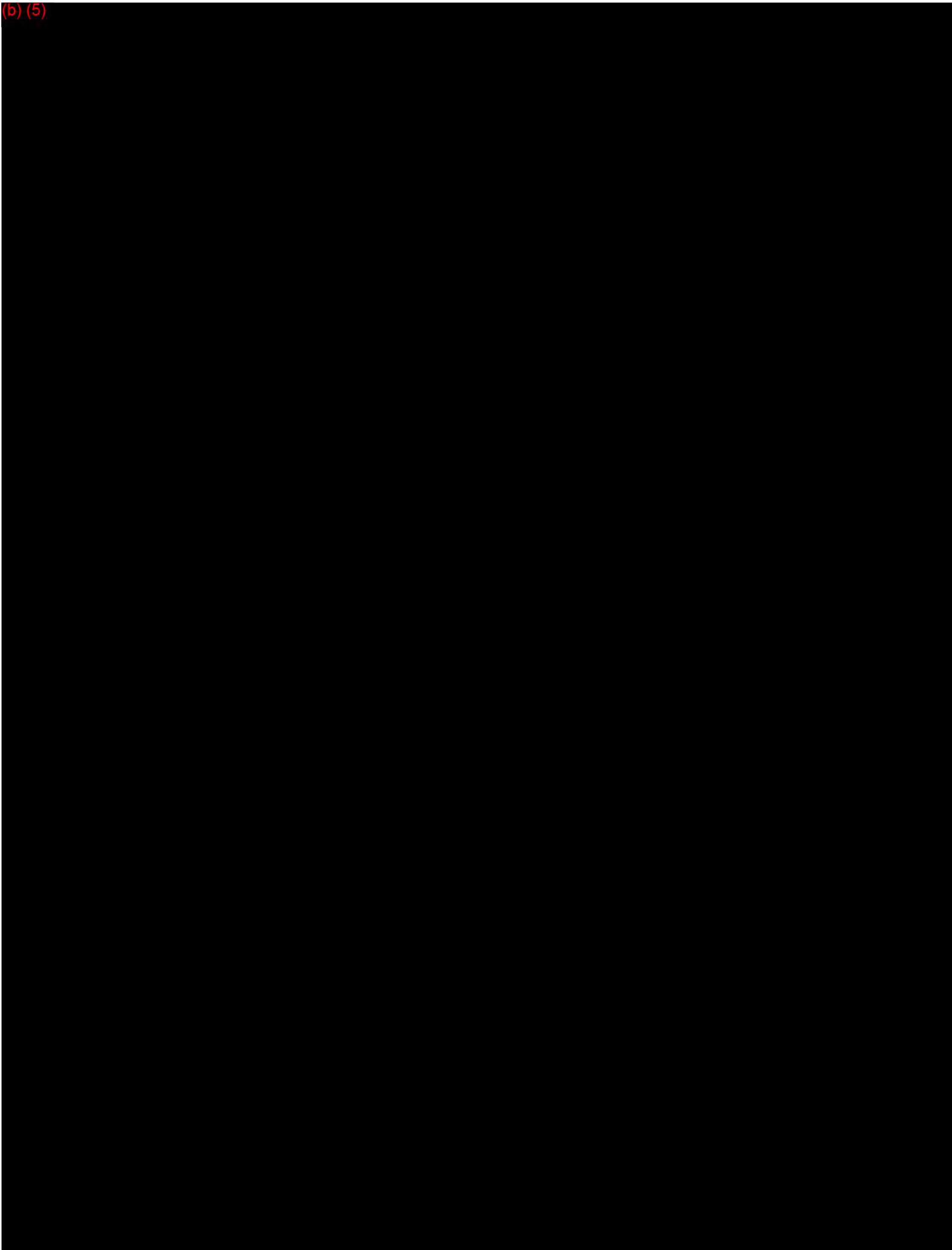












## RE: Final Check: CEQ ANPRM

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**From:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Cc:** "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 13 Jun 2018 20:14:19 -0400  
**Attachment s:** EO12866 Review CEQ NEPA ANPRM\_Revised\_Clean\_Final\_KS\_Redline + MN Edits.....docx (50.09 kB)

Aaron:

Katherine provided me with the redline of her edits and I have added a few very minor proposed revisions for consistency in the document. Subject to Viktoria's review, I have no additional proposed revisions. Thanks,

Mary

Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Tuesday, June 12, 2018 9:19 AM  
**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Cc:** Smith, Katherine R. EOP/CEQ <(b) (6)>  
**Subject:** Final Check: CEQ ANPRM

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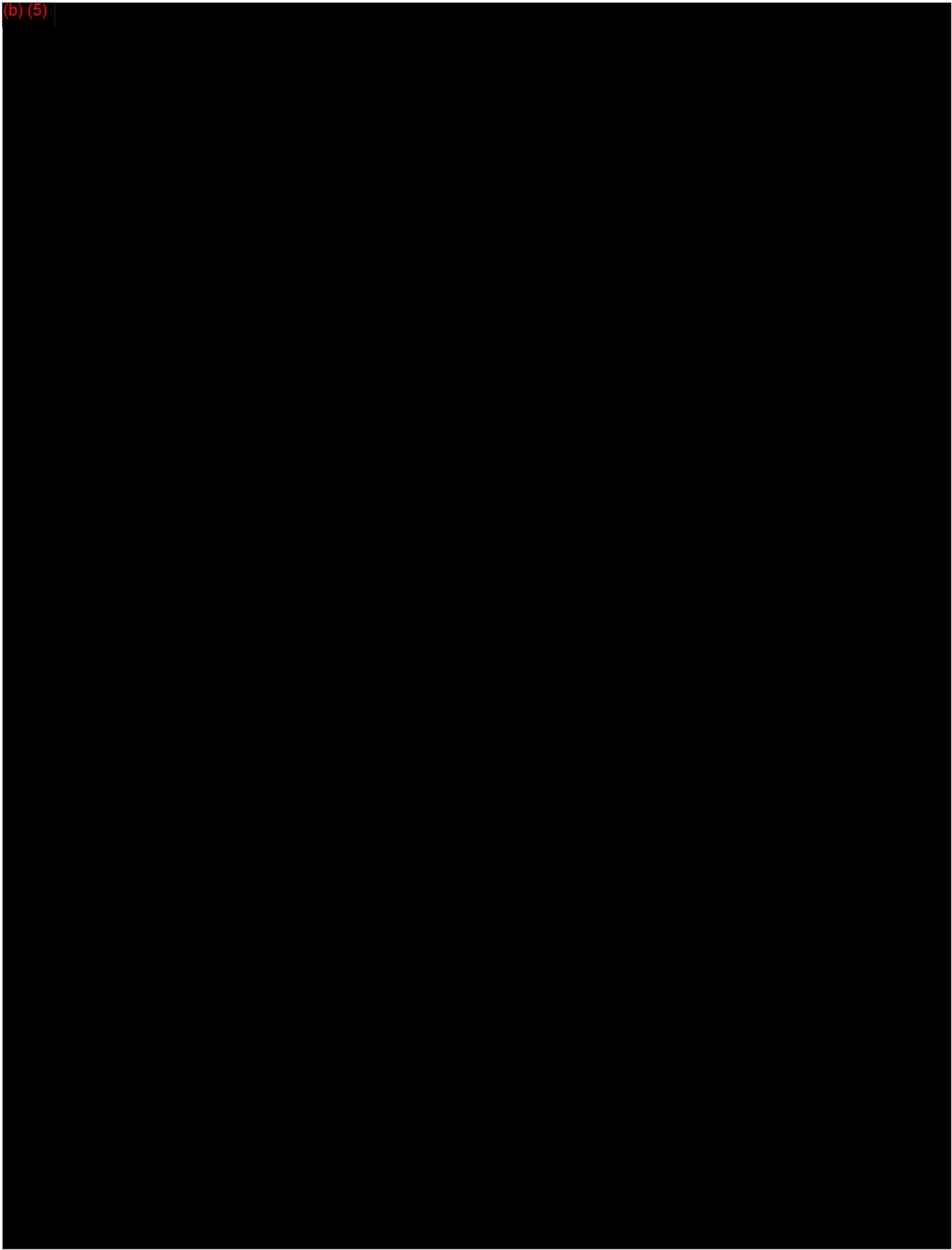
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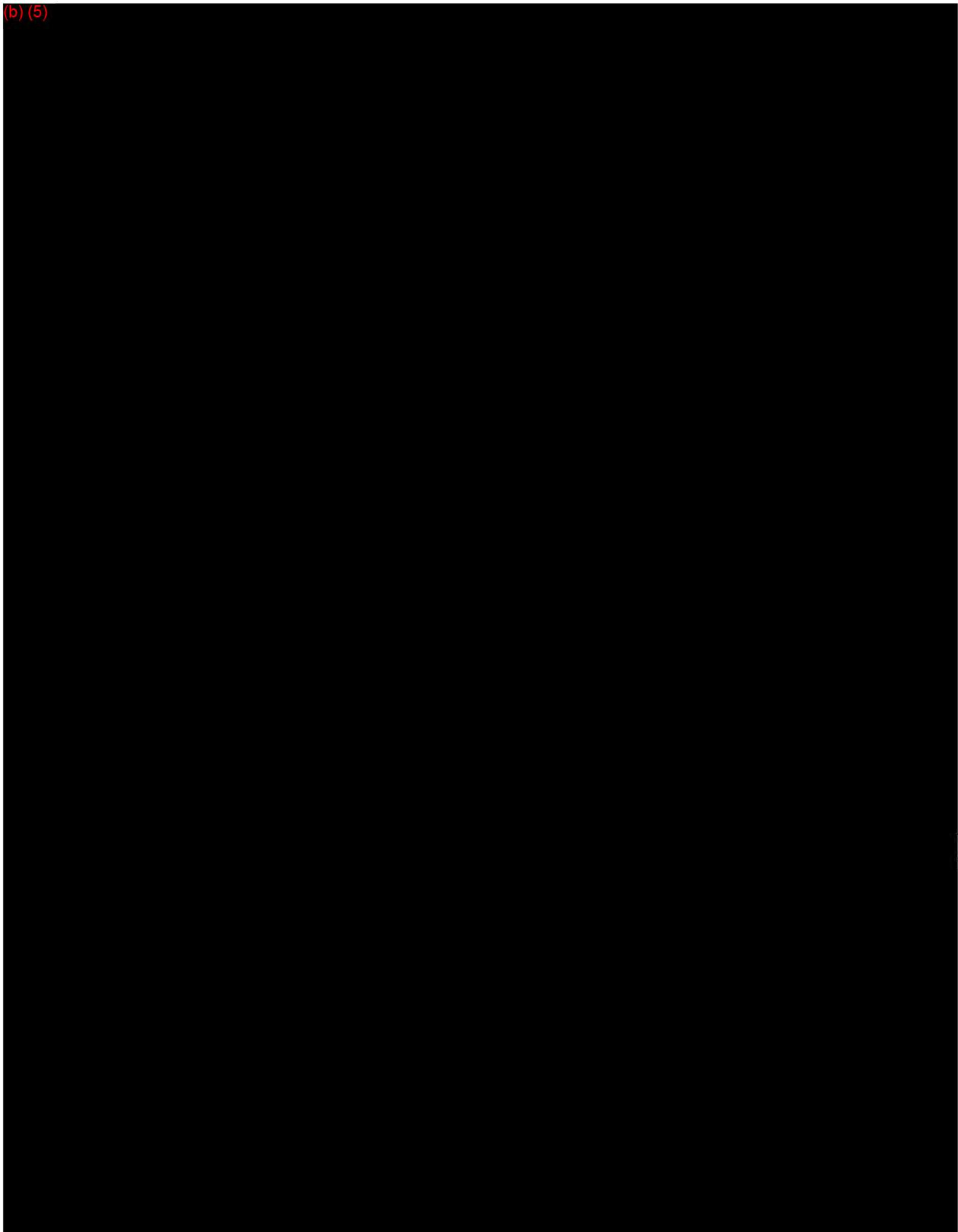
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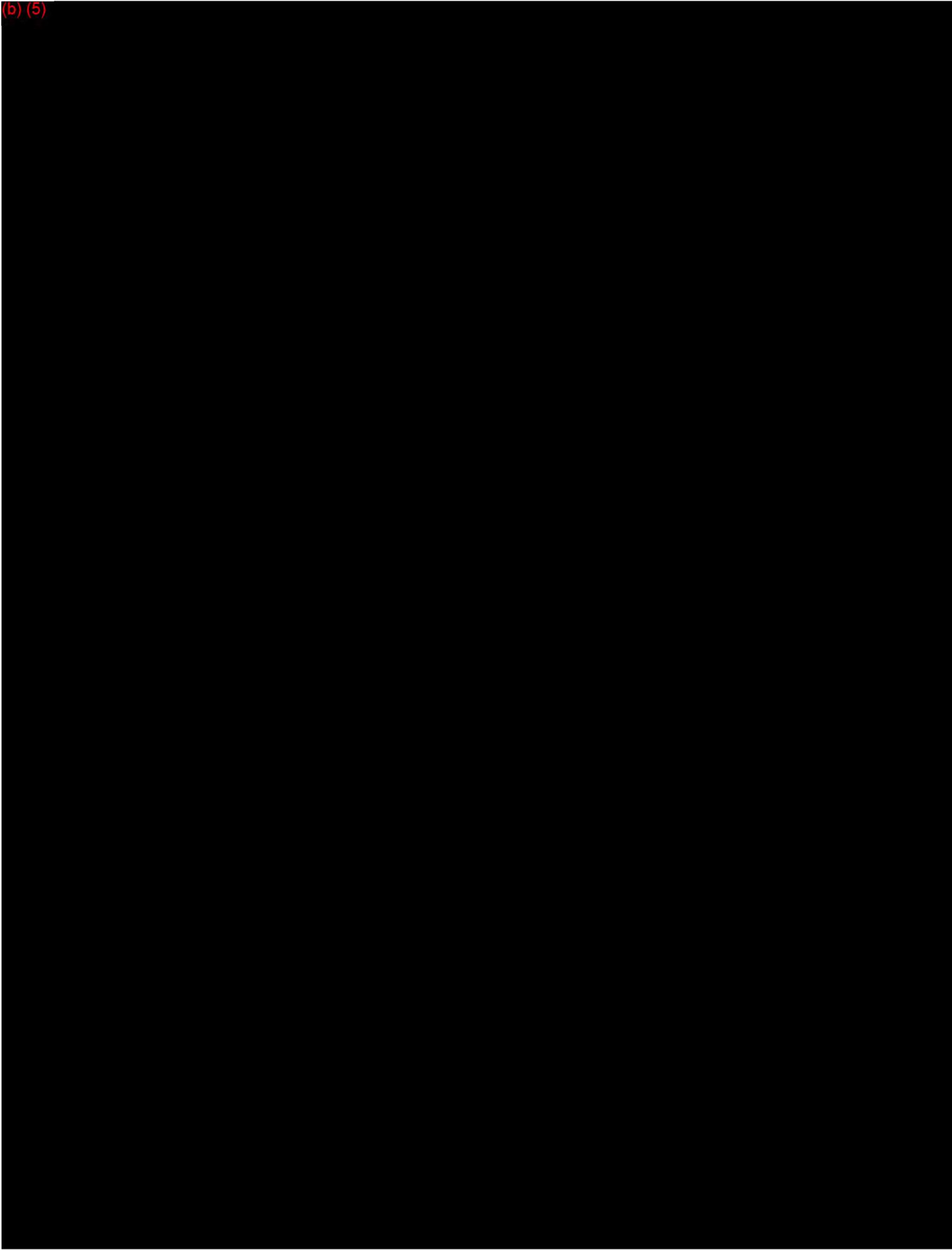
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Senior Counsel  
Council on Environmental Quality  
(b) (6) (Desk)  
(b) (6) (Cell)

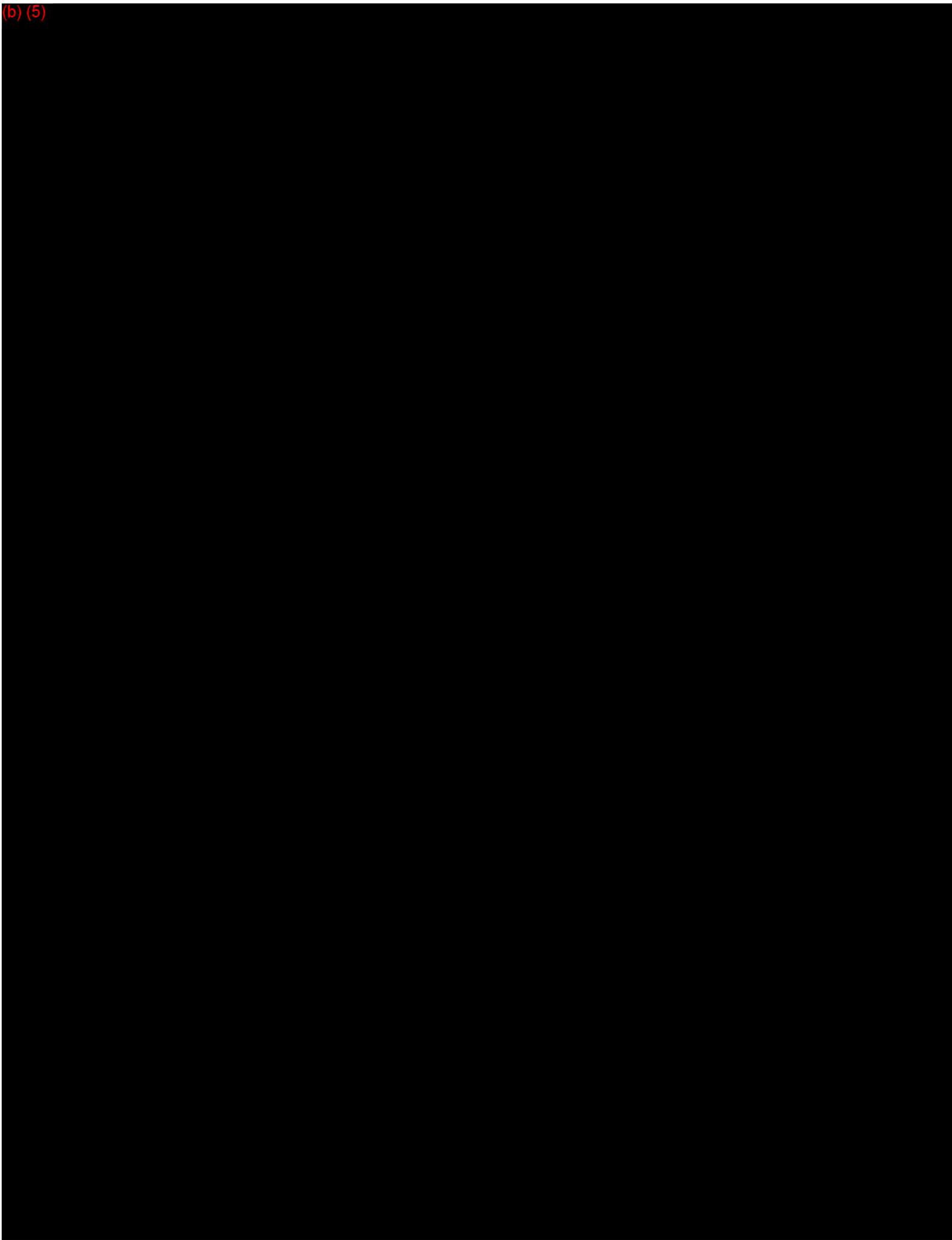
(b) (6) [REDACTED]

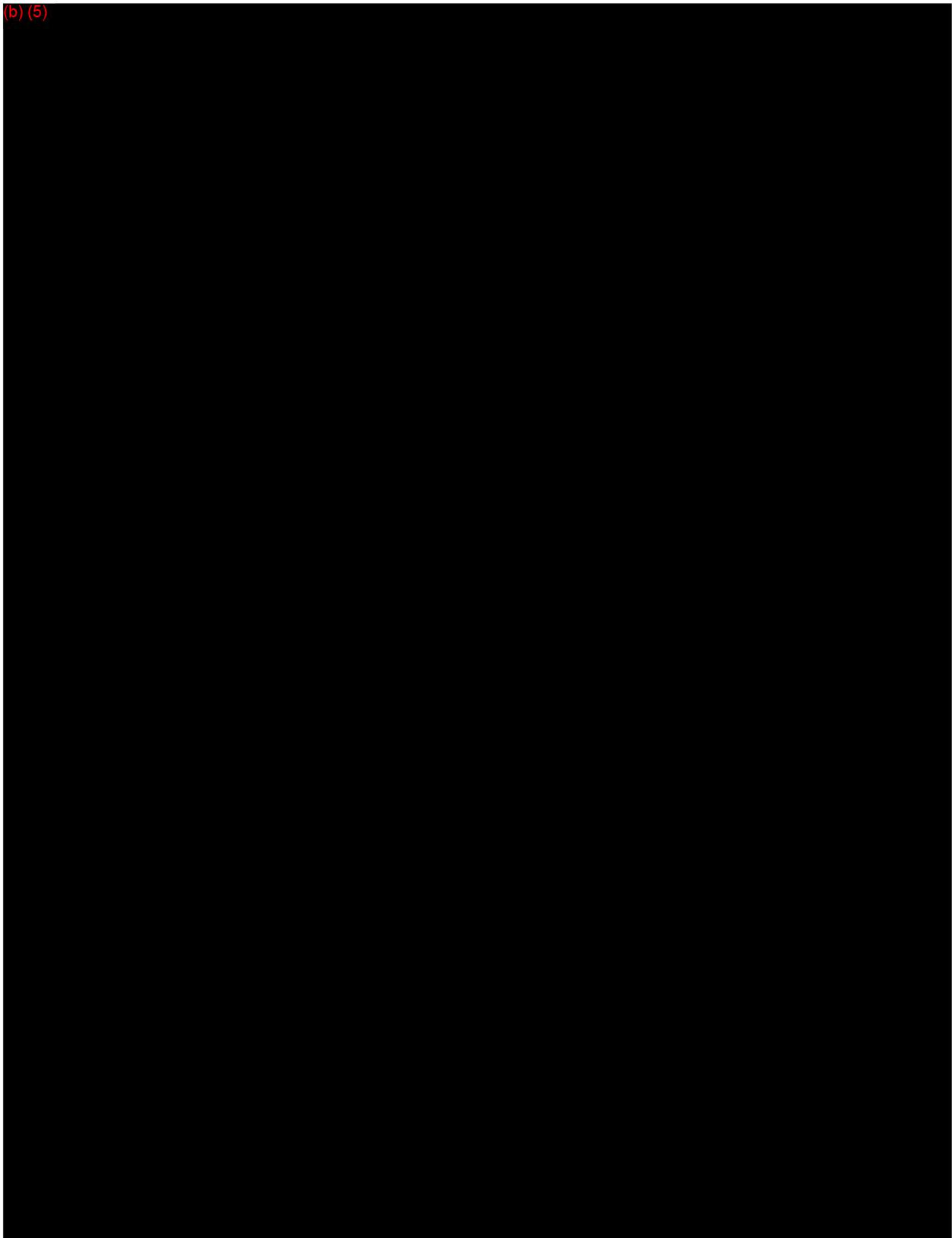


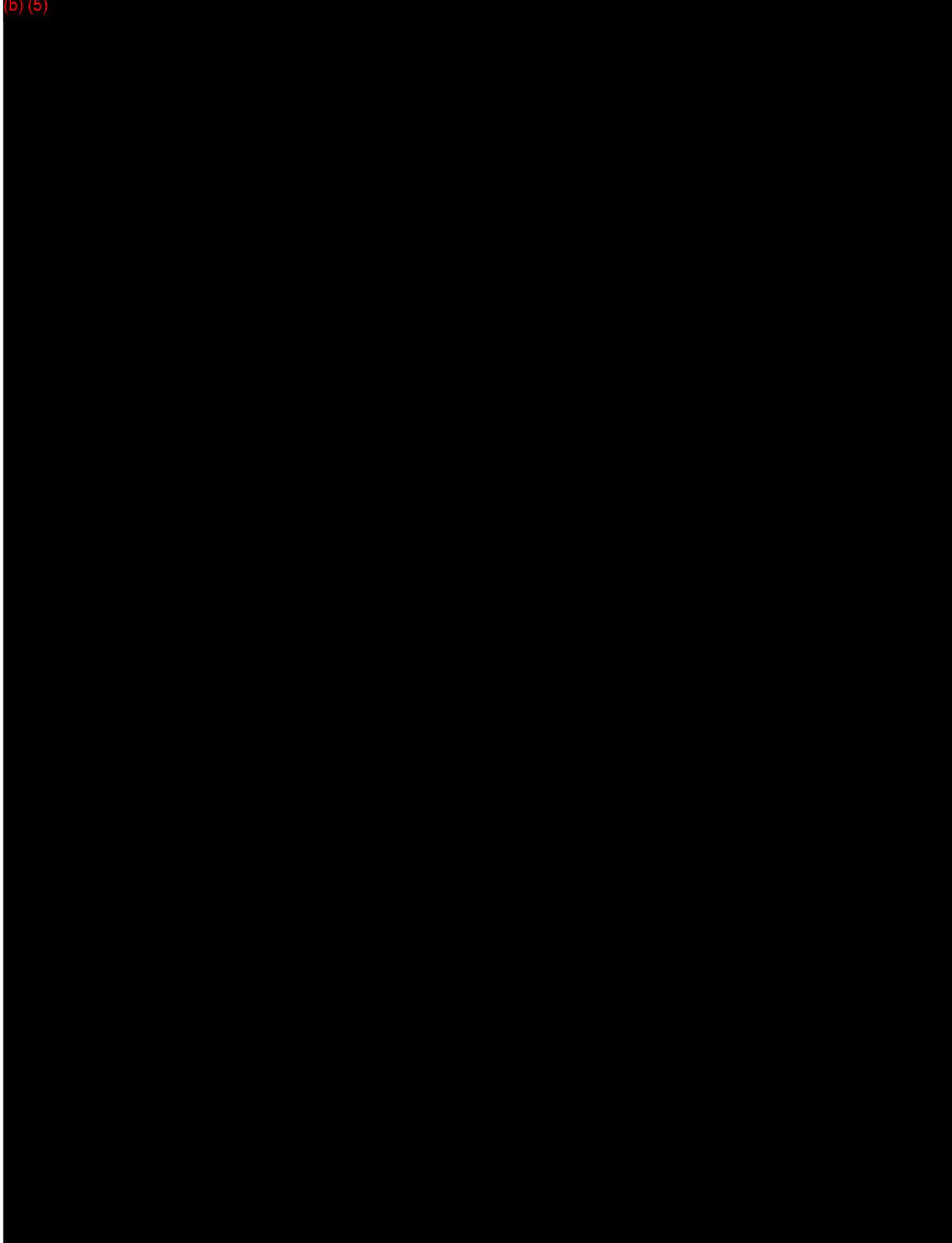


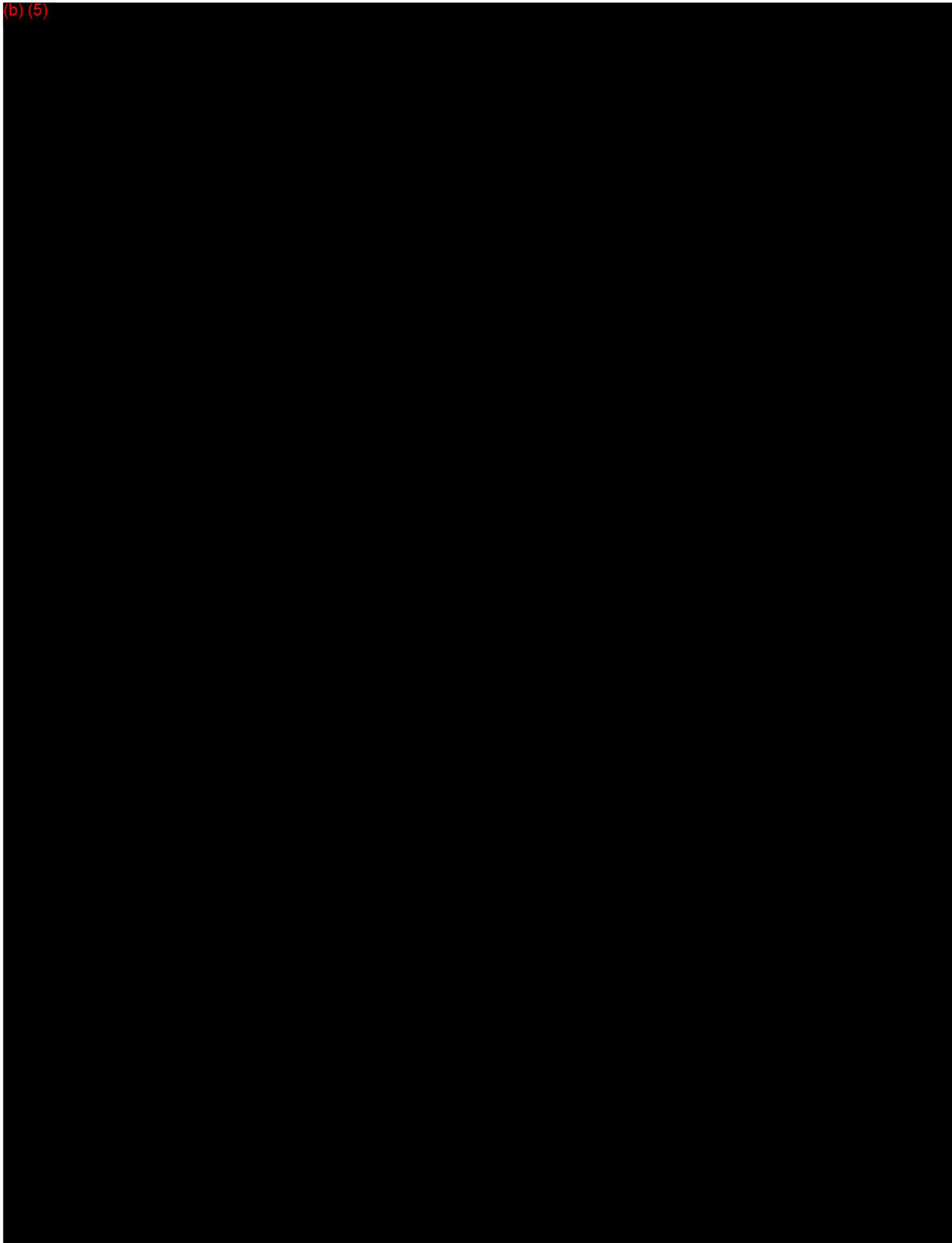


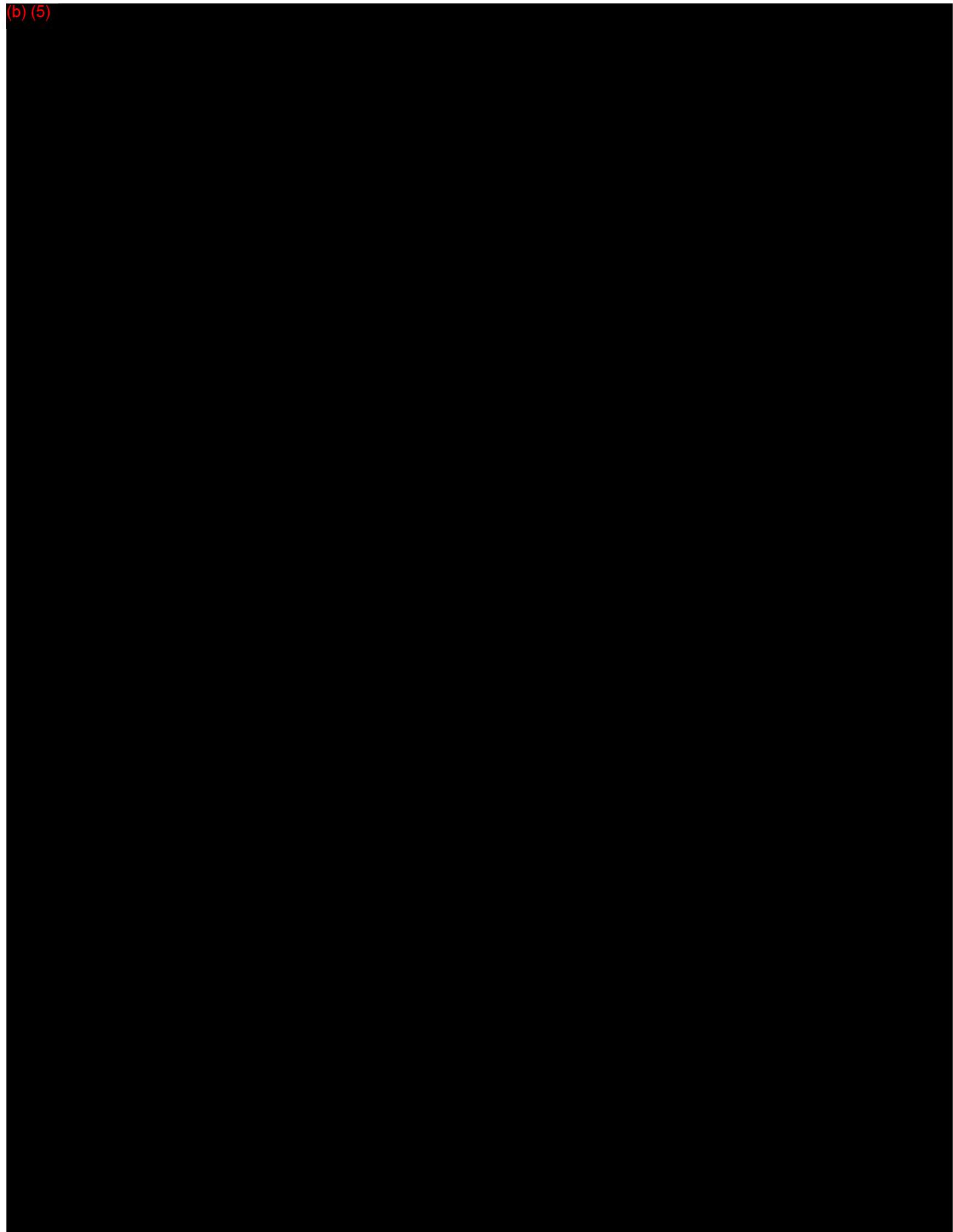












## Re: Draft ANPRM Fact Sheet

---

**From:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**To:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Cc:** "Schneider, Daniel J. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 14 Jun 2018 12:30:43 -0400

---

None from me either.

Michael Drummond  
Deputy Associate Director for NEPA  
Council on Environmental Quality  
(b) (6)

On Jun 14, 2018, at 11:31 AM, Seale, Viktoria Z. EOP/CEQ <(b) (6)> wrote:

Dan,

I have no suggested edits.

Thank you,

Viktoria

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Thursday, June 14, 2018 10:12 AM  
**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>; Seale, Viktoria Z. EOP/CEQ <(b) (6)> Drummond, Michael R. EOP/CEQ <(b) (6)>  
**Subject:** Draft ANPRM Fact Sheet

All,

Please see the attached fact sheet for your review on the ANPRM. This draft reflects Mary's edits.

Thanks,

Dan

Dan Schneider  
Associate Director for Communications  
Council on Environmental Quality

Executive Office of the President

(b) (6) [REDACTED] (desk)

(b) (6) [REDACTED]

[www.whitehouse.gov/ceq](http://www.whitehouse.gov/ceq)

## RE: Final Check: CEQ ANPRM

---

**From:** "Seale, Viktoria Z. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=af5f6888d706481b94d18088a30821c9-se">  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Cc:** "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 14 Jun 2018 11:27:57 -0400  
**Attachment s:** EO12866 Review CEQ NEPA ANPRM\_Revised\_Clean\_Final\_KS\_Redline + MN Edits + VZS Edit...\_.docx (49.52 kB)

Aaron,

I've made one additional edit – changing "Ted Boling" to "Edward A. Boling". You may want to check in with Ted but he asked me to make that change before we finalized the OFS management fund charter.

Also as a reminder, please give Angela a heads up on the page count (for budget purposes) and double-check the Federal Register billing code before it is submitted to the Federal Register for publication.

Thanks,

Viktoria

**From:** Neumayr, Mary B. EOP/CEQ  
**Sent:** Wednesday, June 13, 2018 8:14 PM  
**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Cc:** Smith, Katherine R. EOP/CEQ <(b) (6)>  
**Subject:** RE: Final Check: CEQ ANPRM

Aaron:

Katherine provided me with the redline of her edits and I have added a few very minor proposed revisions for consistency in the document. Subject to Viktoria's review, I have no additional proposed revisions. Thanks,

Mary

Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Tuesday, June 12, 2018 9:19 AM  
**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)>

Cc: Smith, Katherine R. EOP/CEQ <(b) (6)>

Subject: Final Check: CEQ ANPRM

Hey Mary and Viktoria,

We have received the go-ahead from OIRA to upload the final version to their system for conclusion Thursday night (show up on Friday). I have attached it here for your last final check to make sure that there are no things you want to change (to note, I would need to run the non-substantive changes by OIRA). I have modified the signature block to reflect Mary's middle initial.

I am hoping to upload today to their system.

Thanks and let me know if you have any questions.

**Aaron L. Szabo**

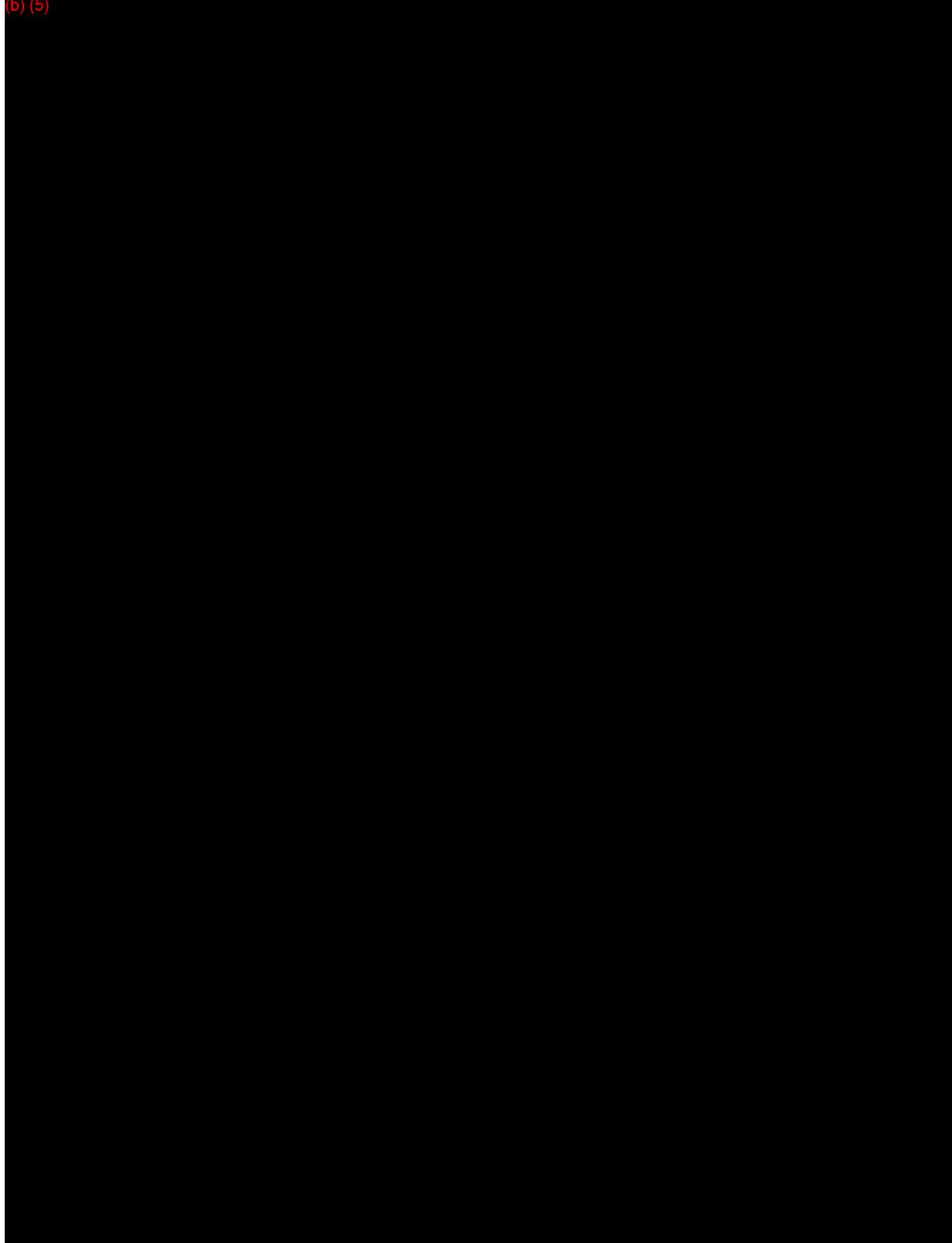
Senior Counsel

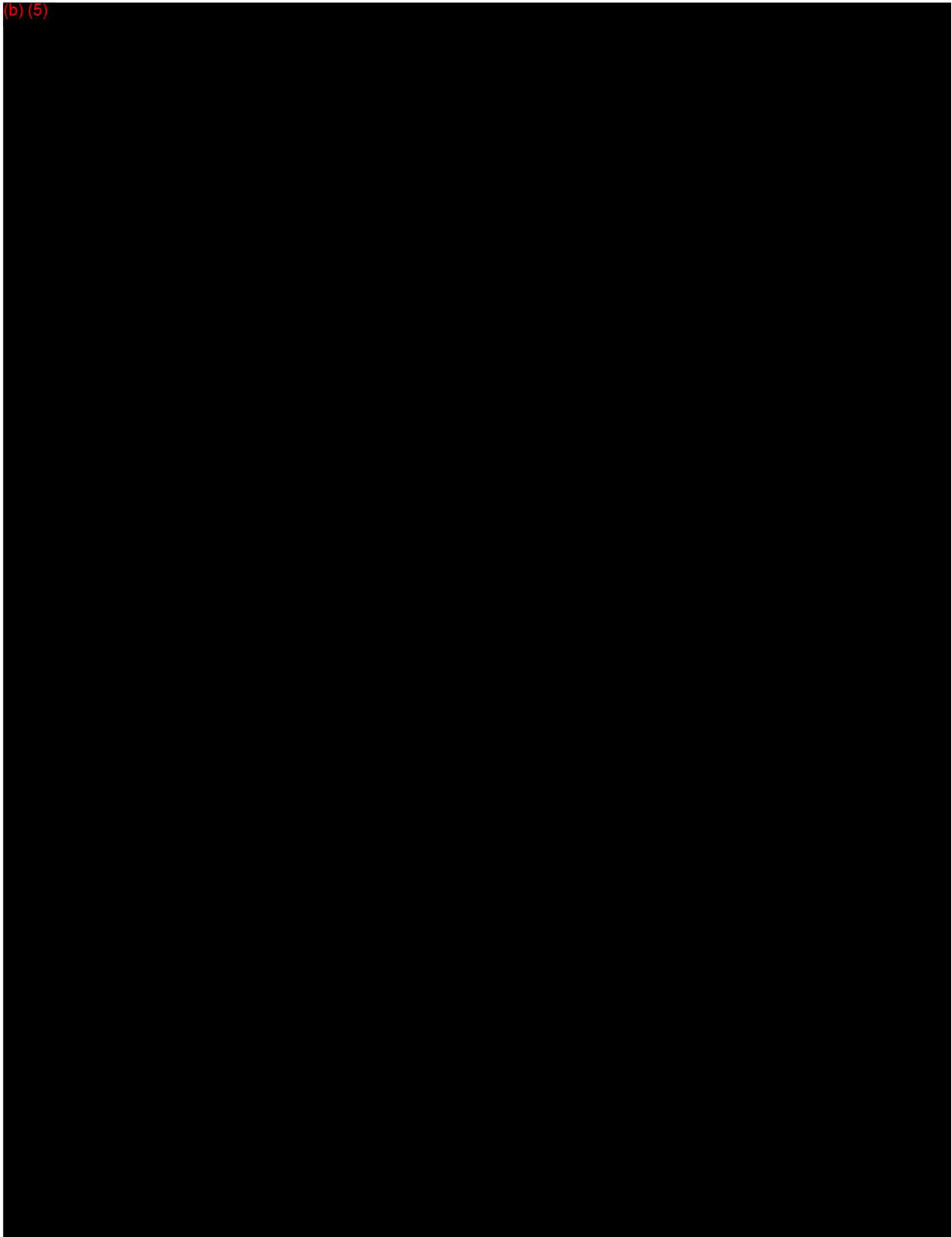
Council on Environmental Quality

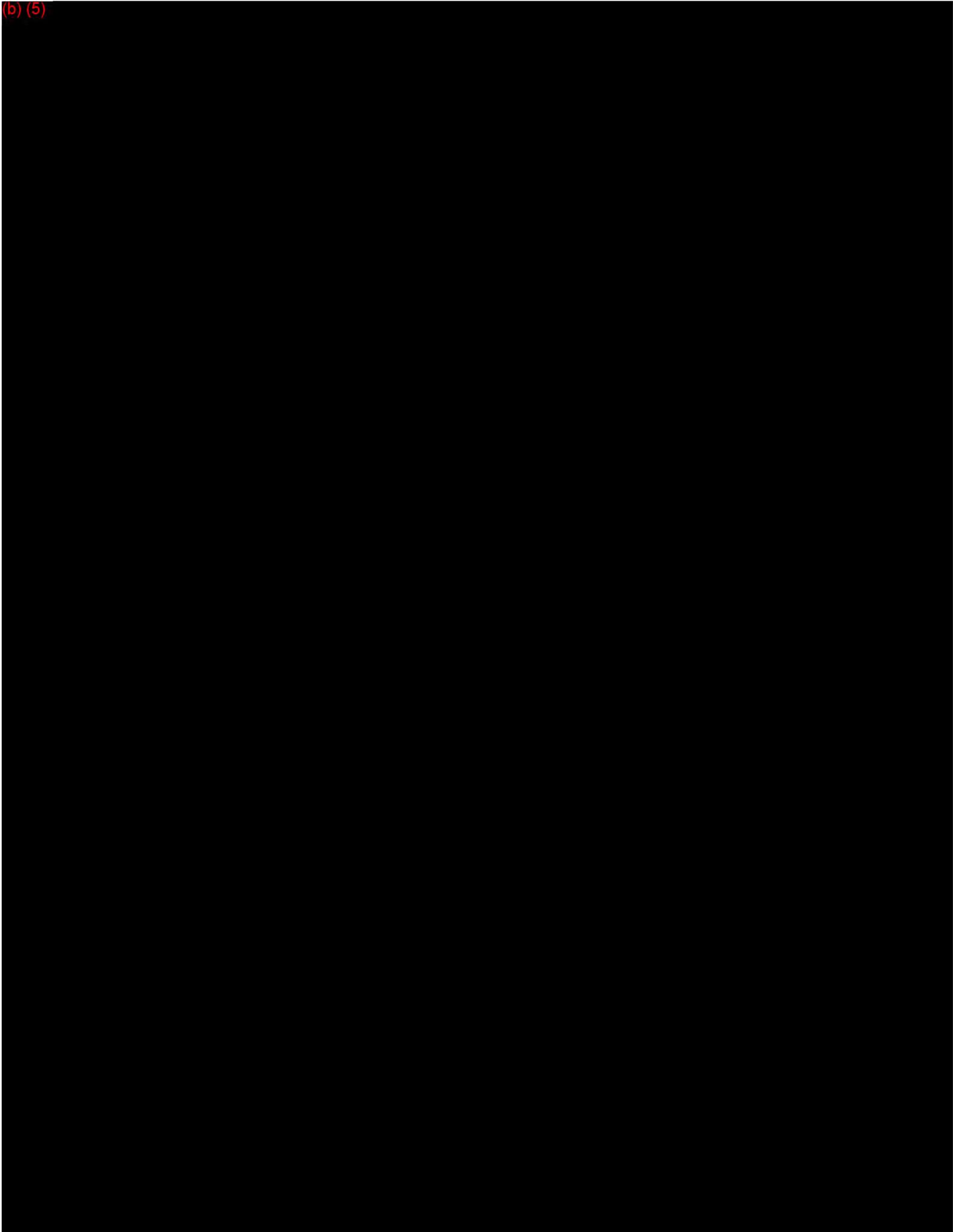
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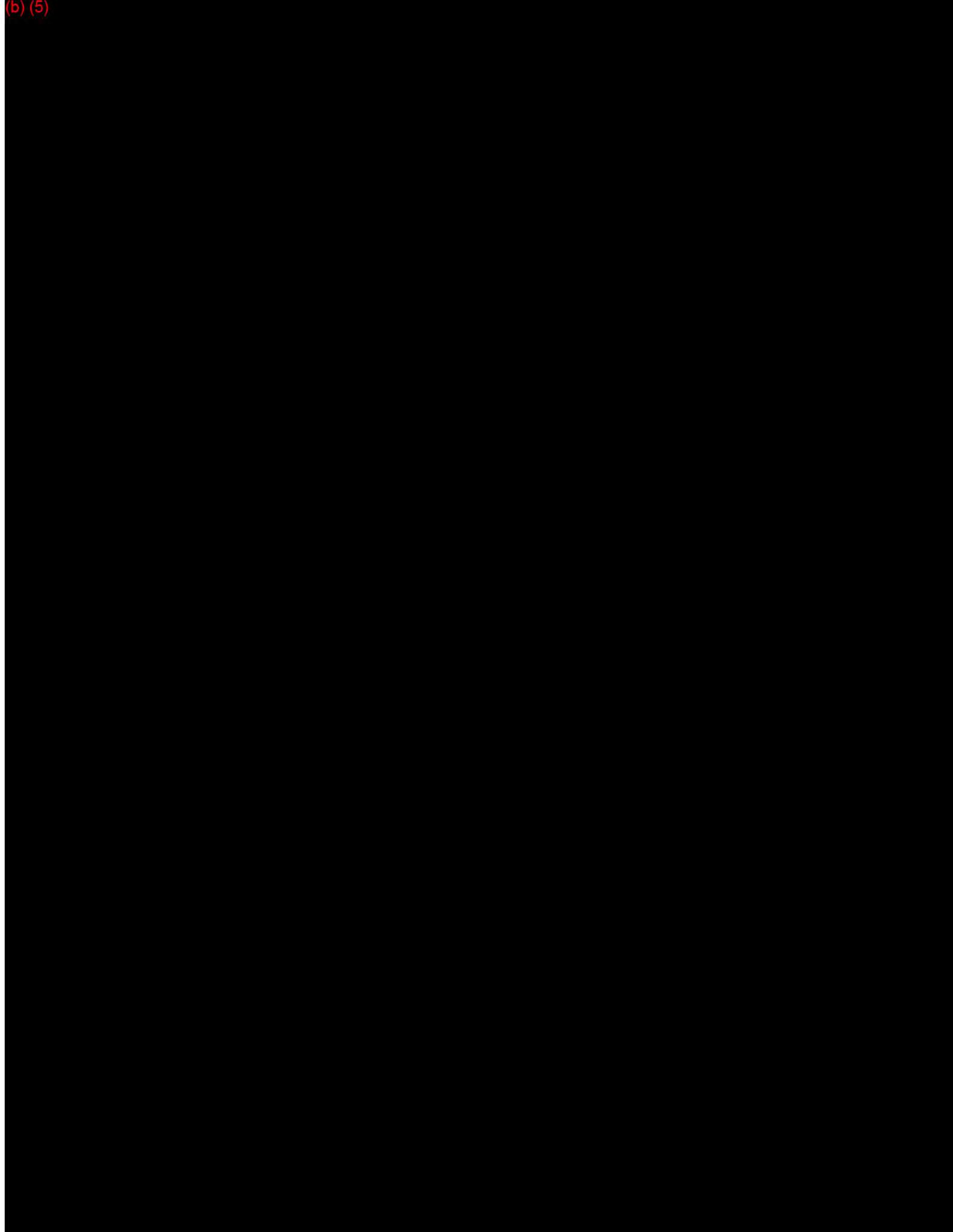
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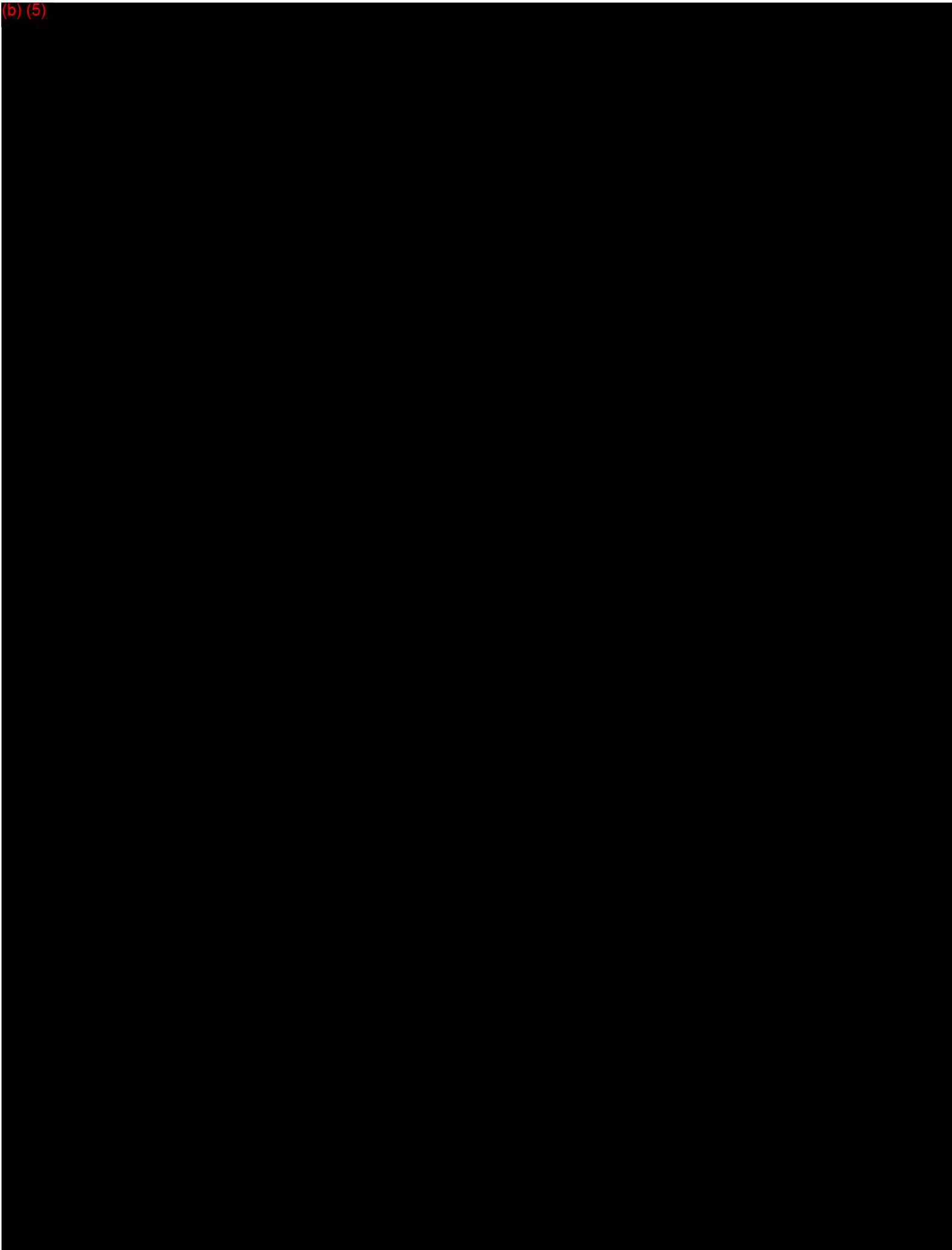
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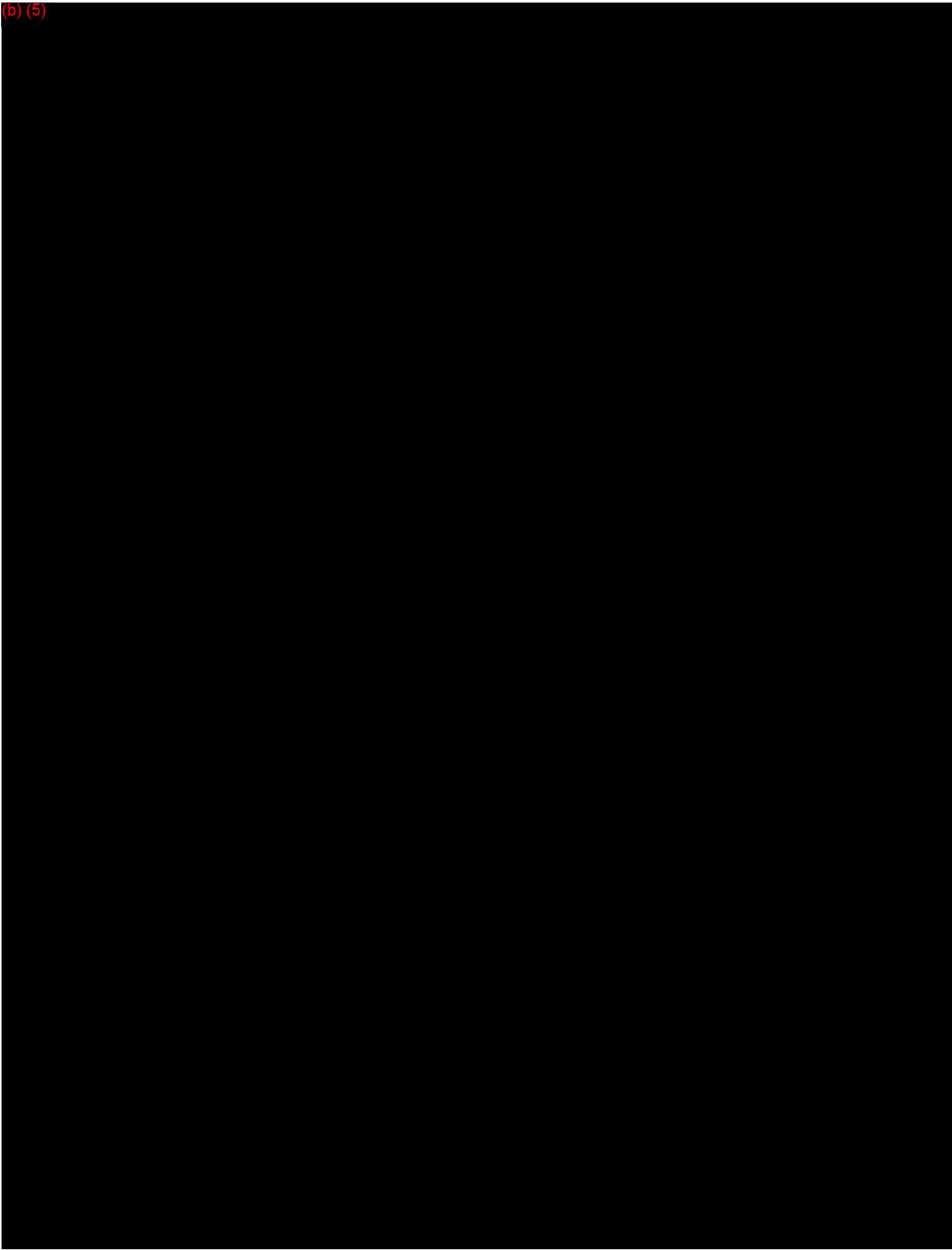


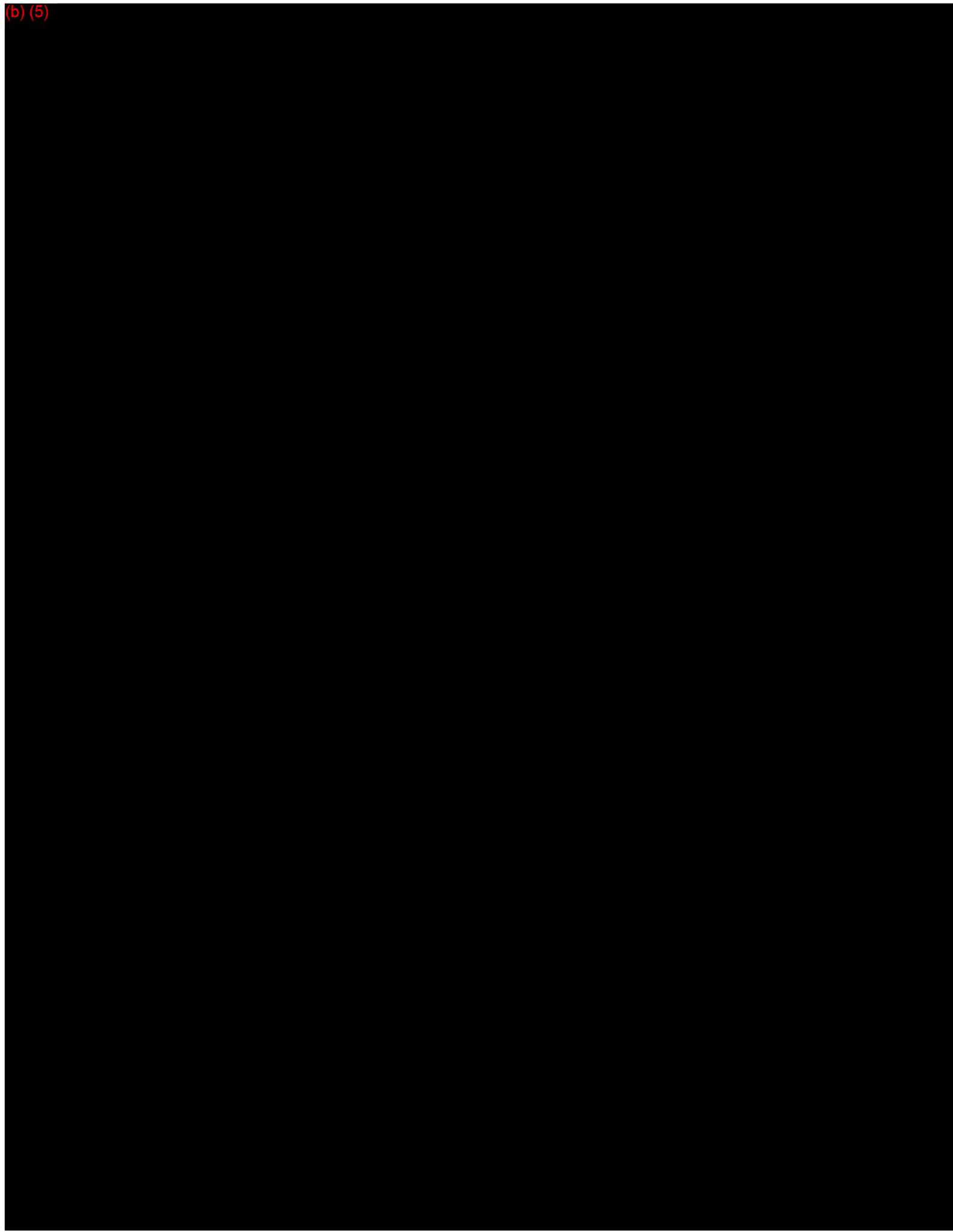


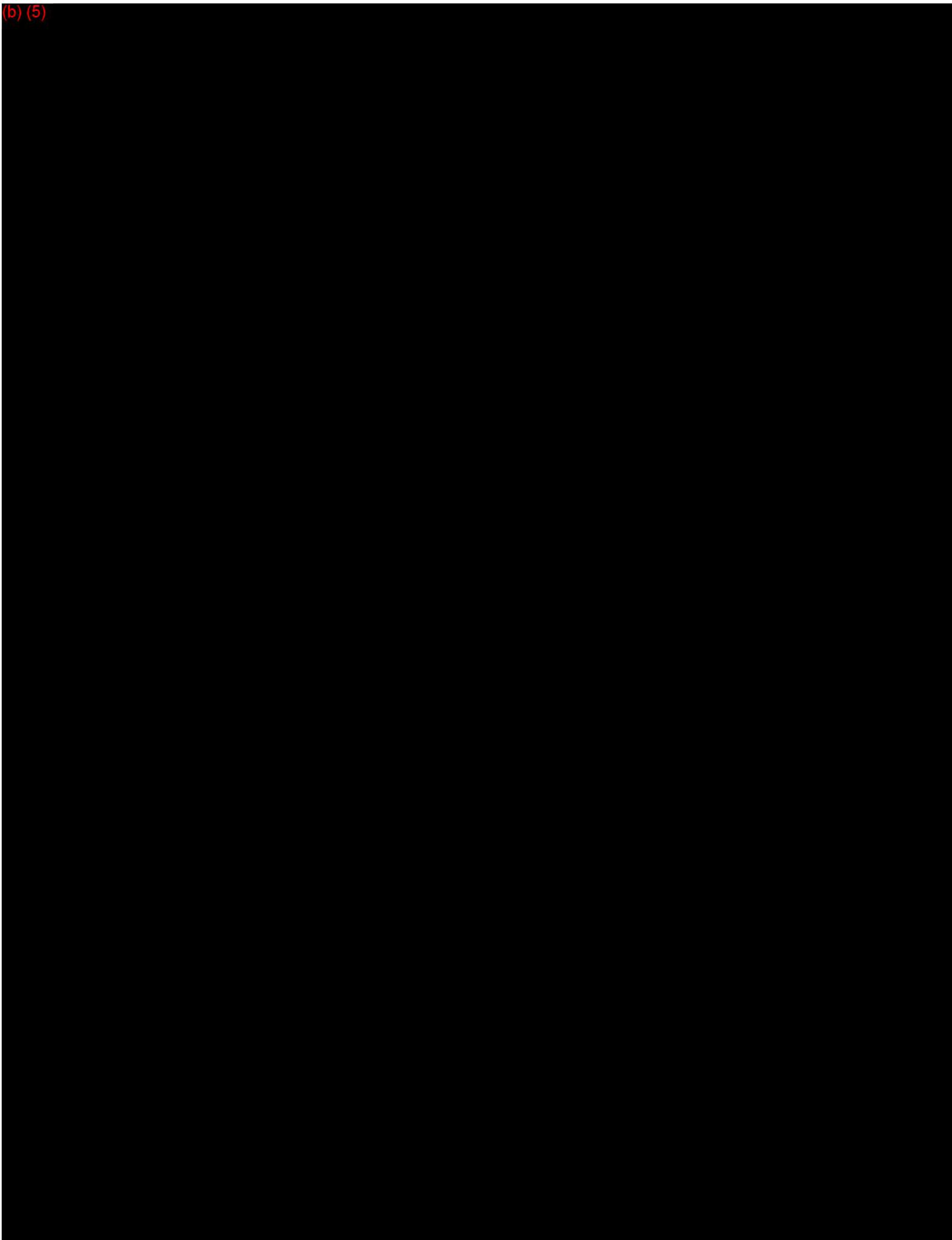


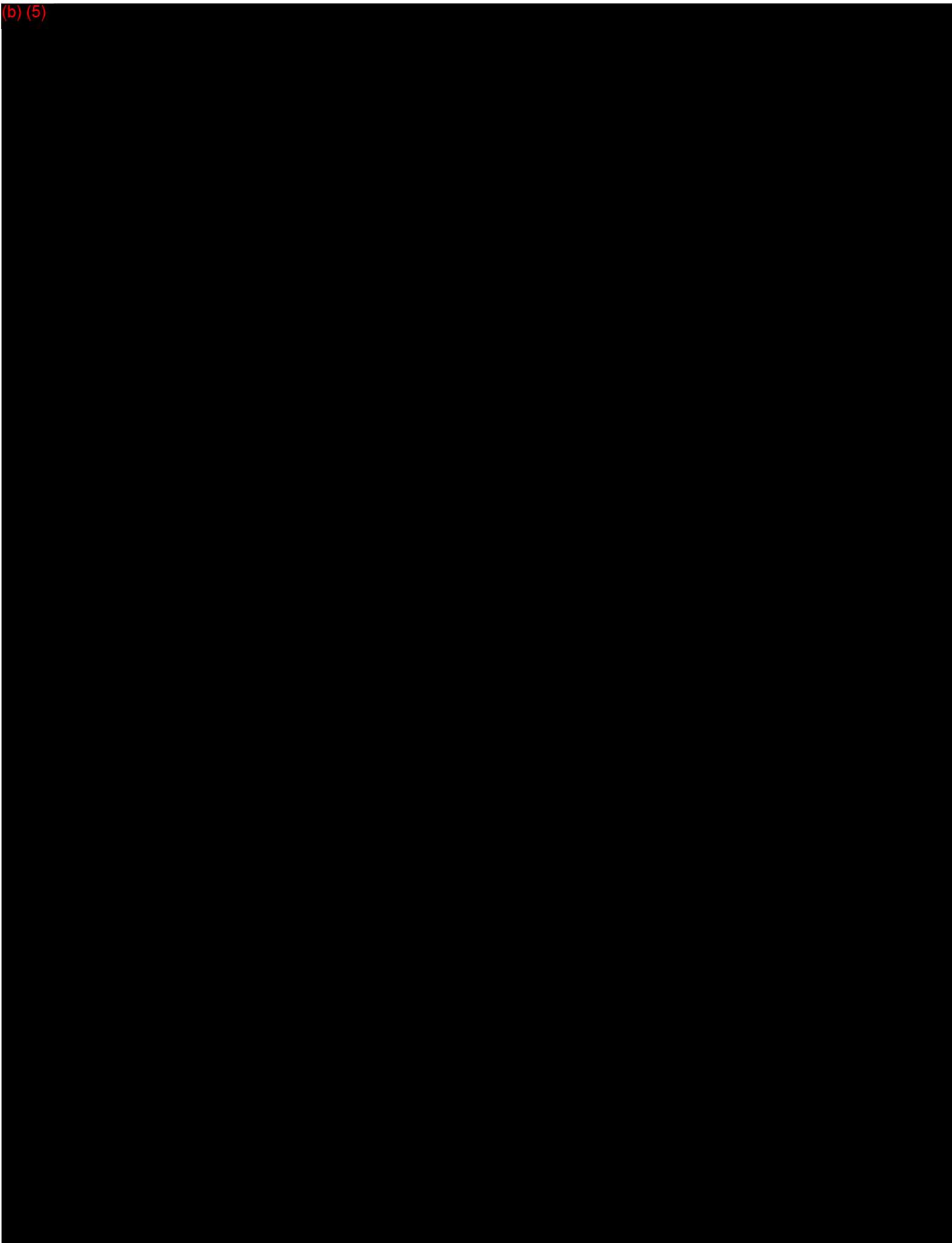












## FYI: 3 Final Versions of the CEQ ANPRM

---

**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Pettigrew, Theresa L. EOP/CEQ" (b) (6) "Schneider, Daniel J. EOP/CEQ" <(b) (6)> "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Cc:** "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 14 Jun 2018 13:19:37 -0400  
**Attachments**: CEQ NEPA ANPRM ROCISVersion.docx (47.91 kB); CEQ NEPA ANPRM WebVersion.docx (48.13 kB); CEQ NEPA ANPRM FRVersion.docx (46.6 kB)

---

All,

Please find attached 3 versions of CEQ's ANPRM titled, "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act." There are 3 different versions and I will explain the differences below:

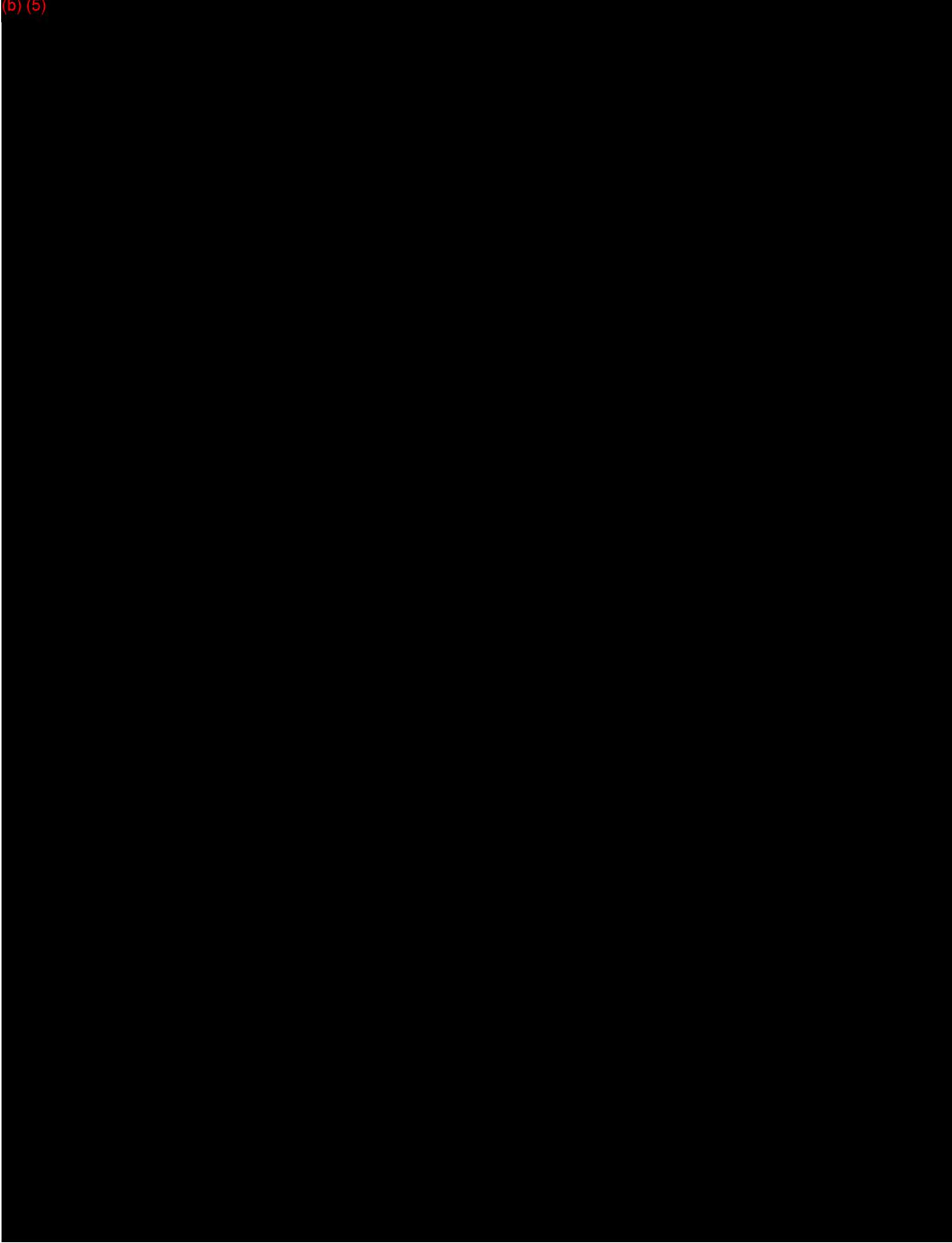
- 
- 1) **CEQ NEPA ANPRM\_ROCISVersion** – this was the version that was uploaded to OIRA's back-end system and will be how they conclude today (to show up as "concluded" tomorrow morning). This has a header stating that the document is "Draft, Deliberative ... 12866 Interagency Review ..."
  - 2) **CEQ NEPA ANPRM\_WebVersion** – this is the version that should be posted on our website until the *Federal Register* version is published. This version has a disclaimer on the top of the first page and the bottom of every other page stating when the document was signed, by whom (Mary) and that it is not the official version. This language was cribbed from EPA's unofficial versions they post on their website.
  - 3) **CEQ NEPA ANPRM\_FRVersion** – this is the version without any headers or footers and is the version that should be submitted to the *Federal Register* (by Howard) after the signature process is complete.
- 

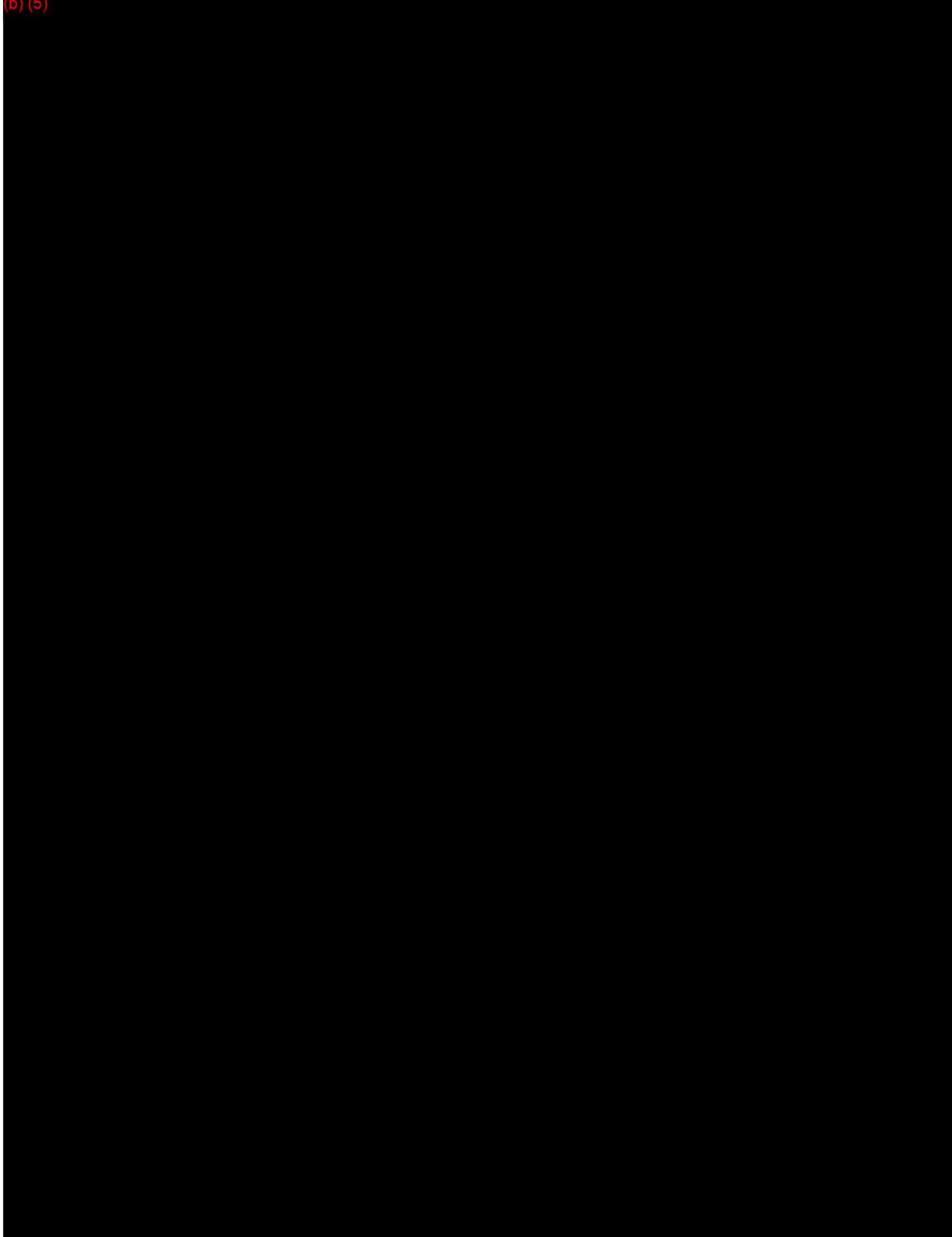
Please let me know if you have any questions or comments.

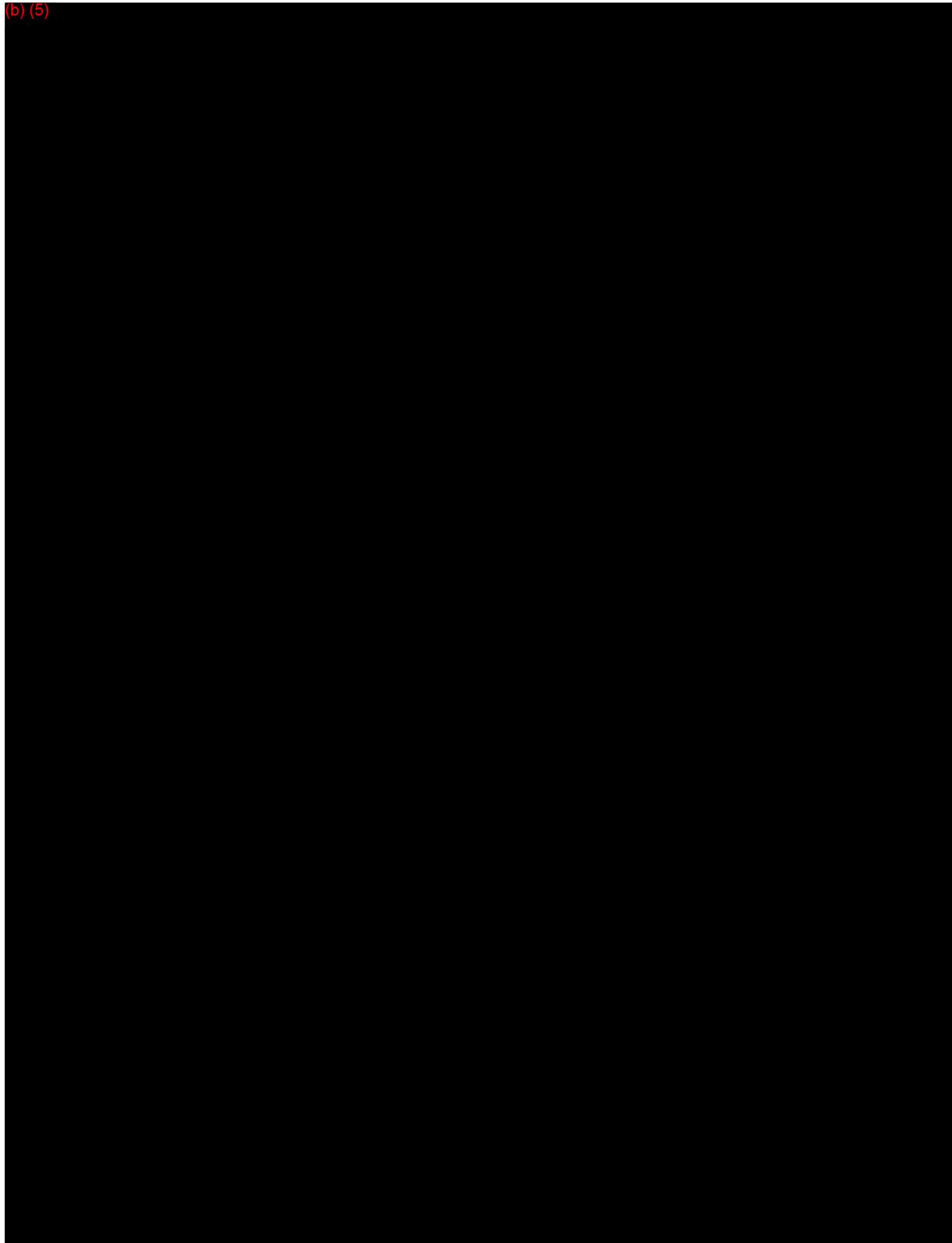
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality  
(b) (6) (Desk)

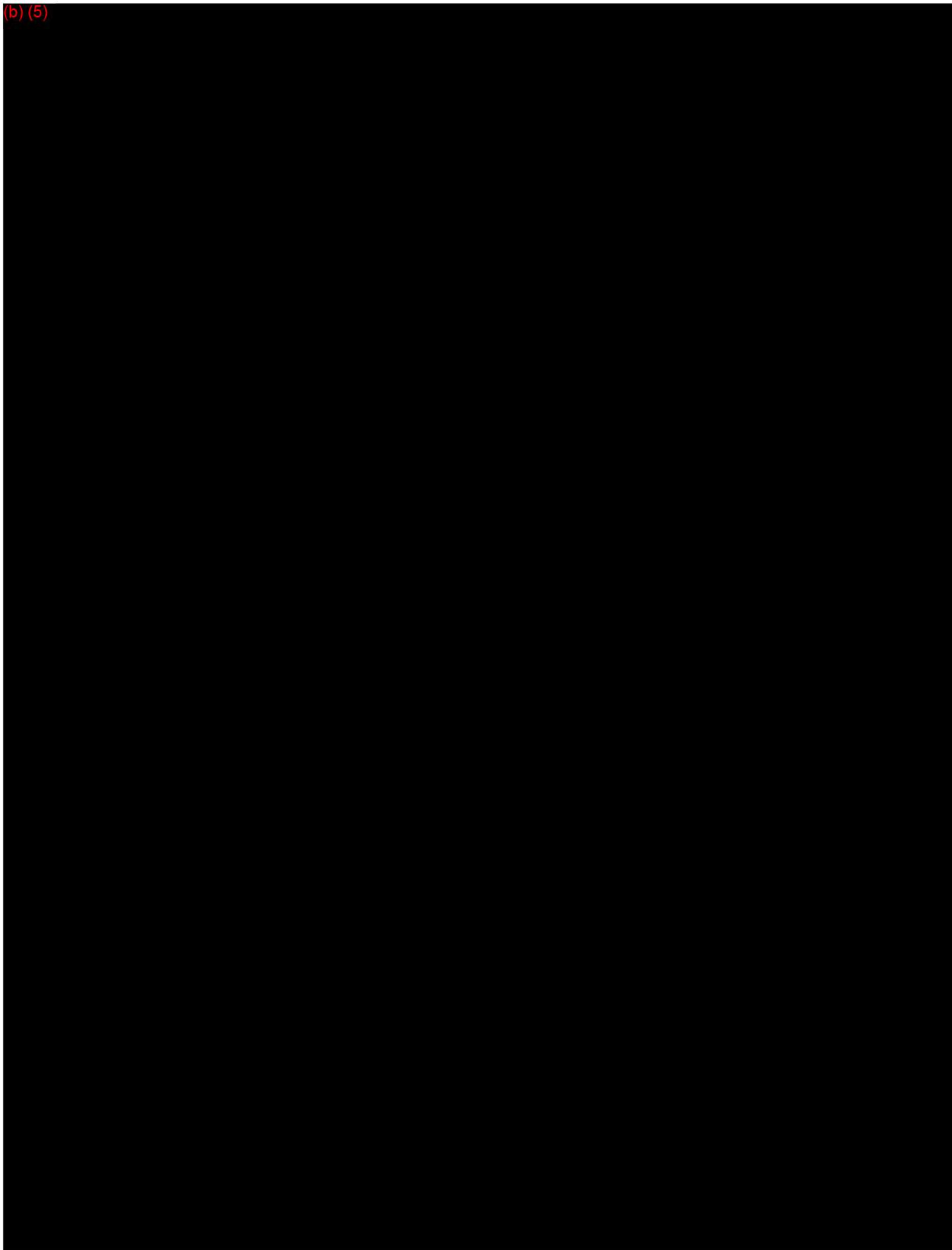
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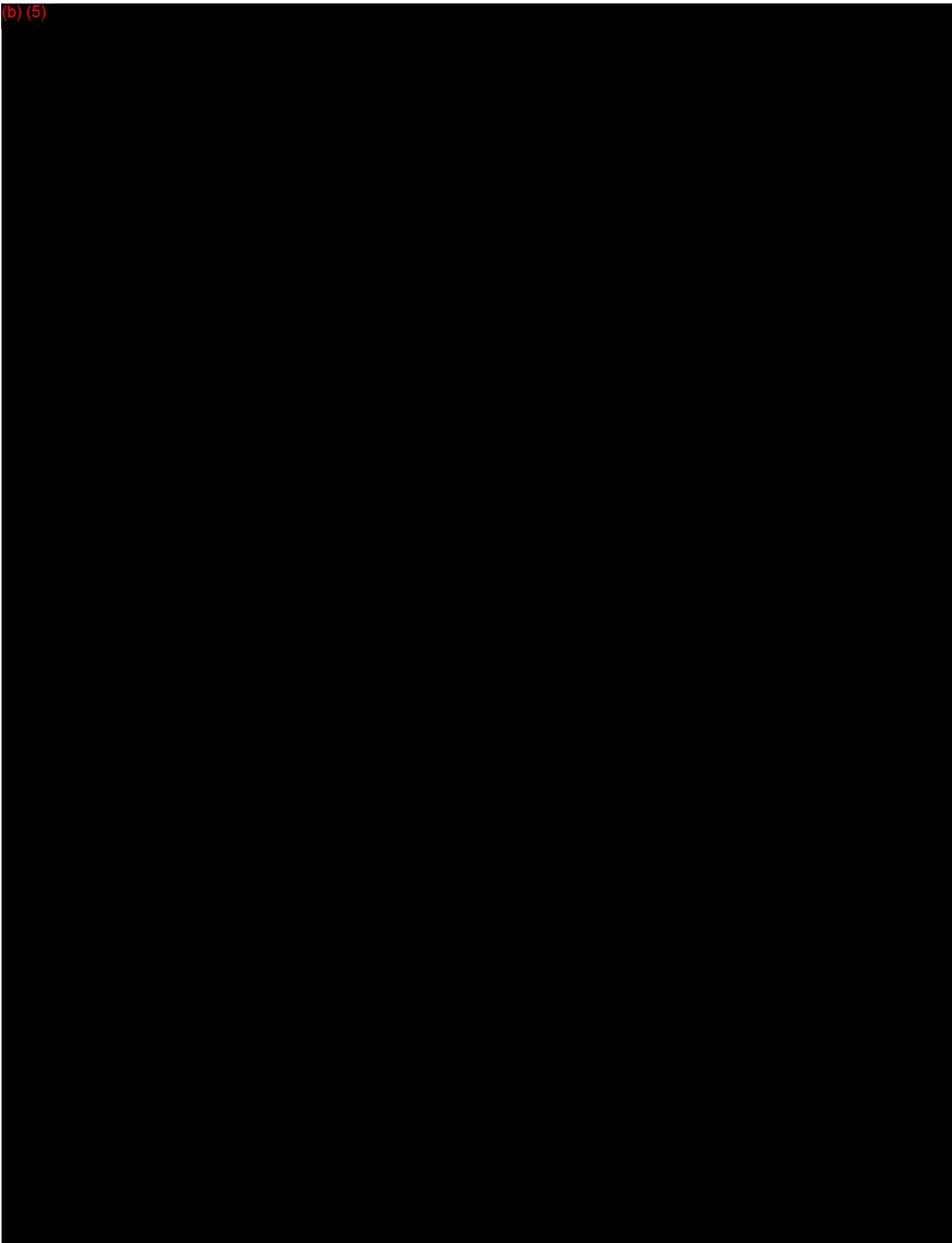
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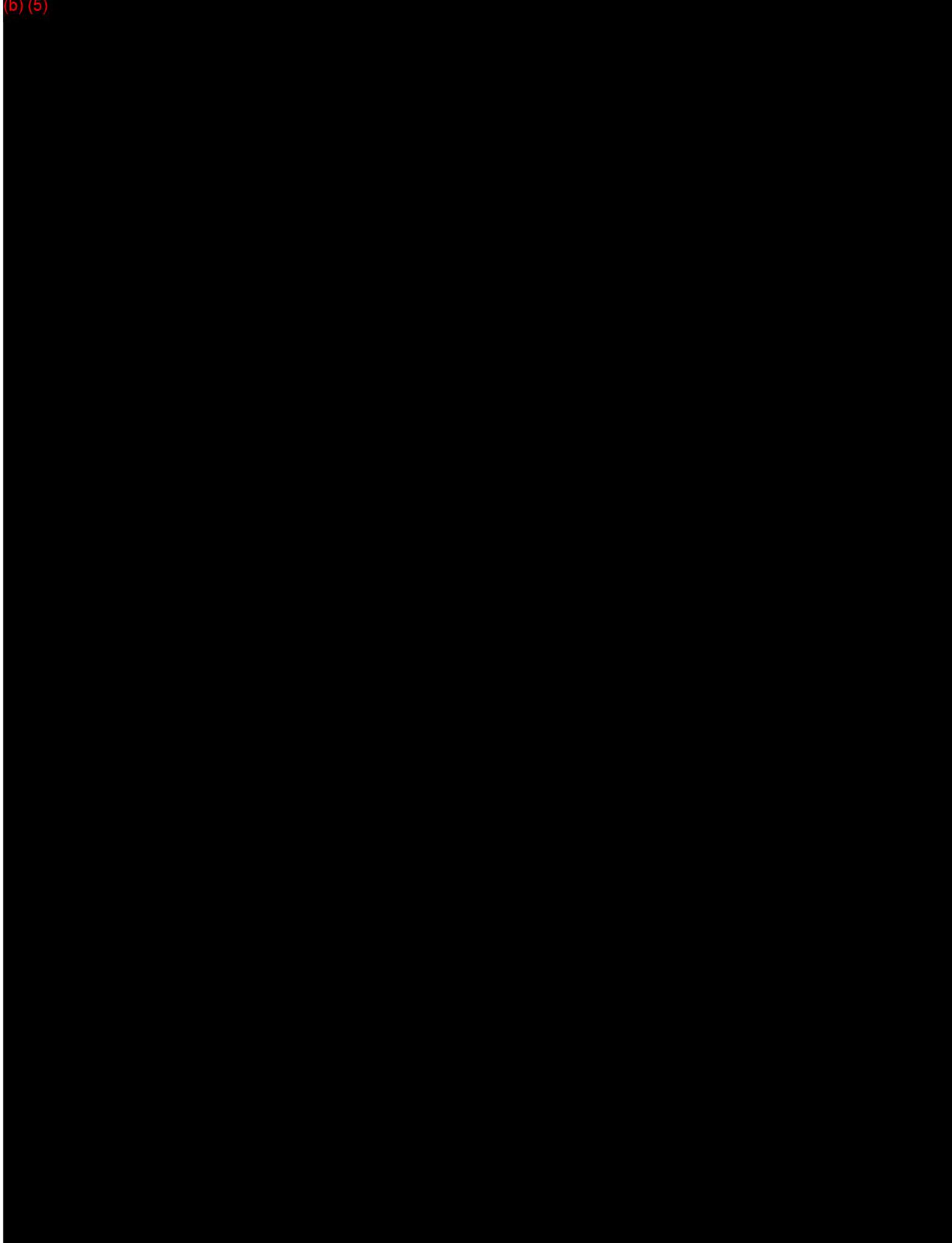


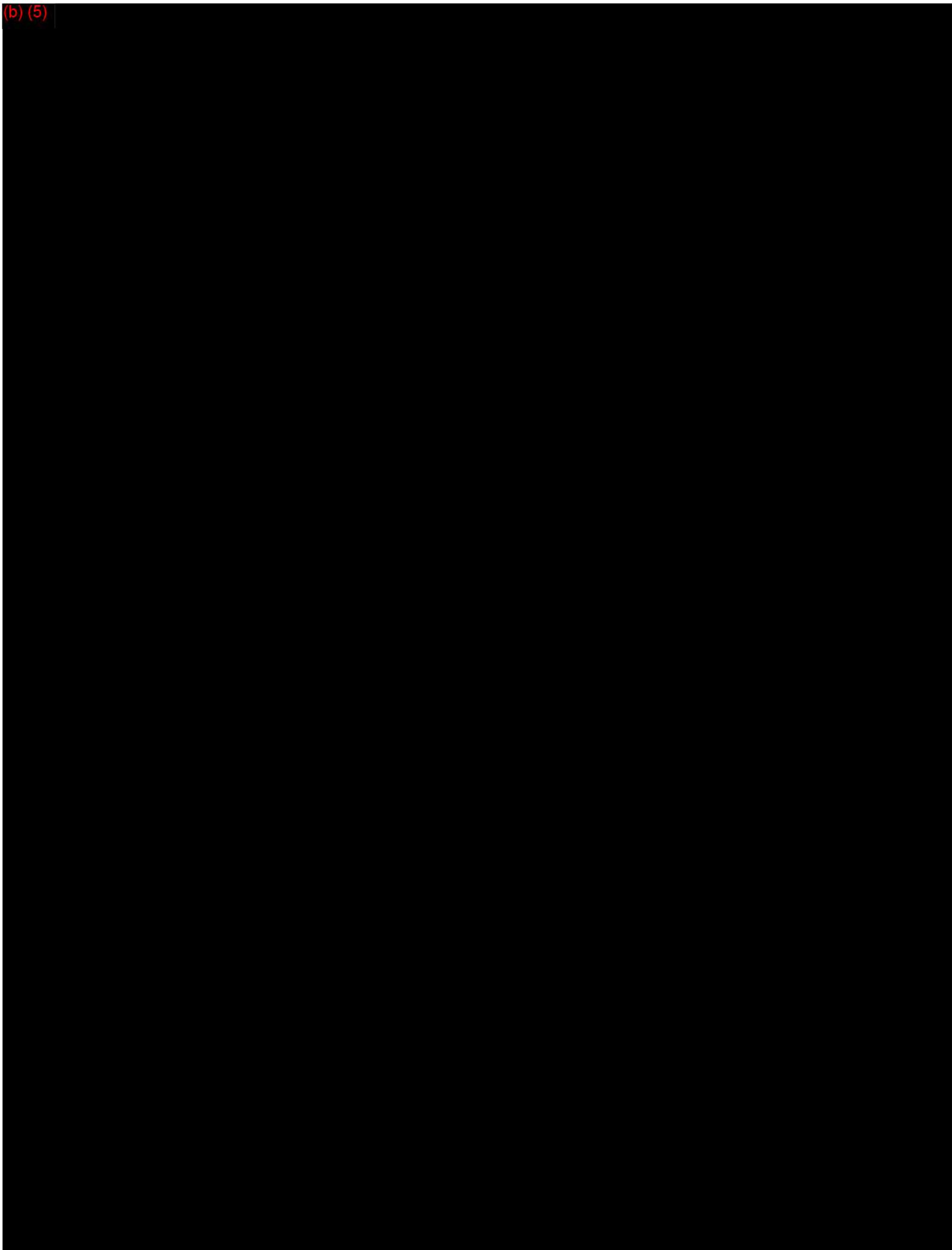


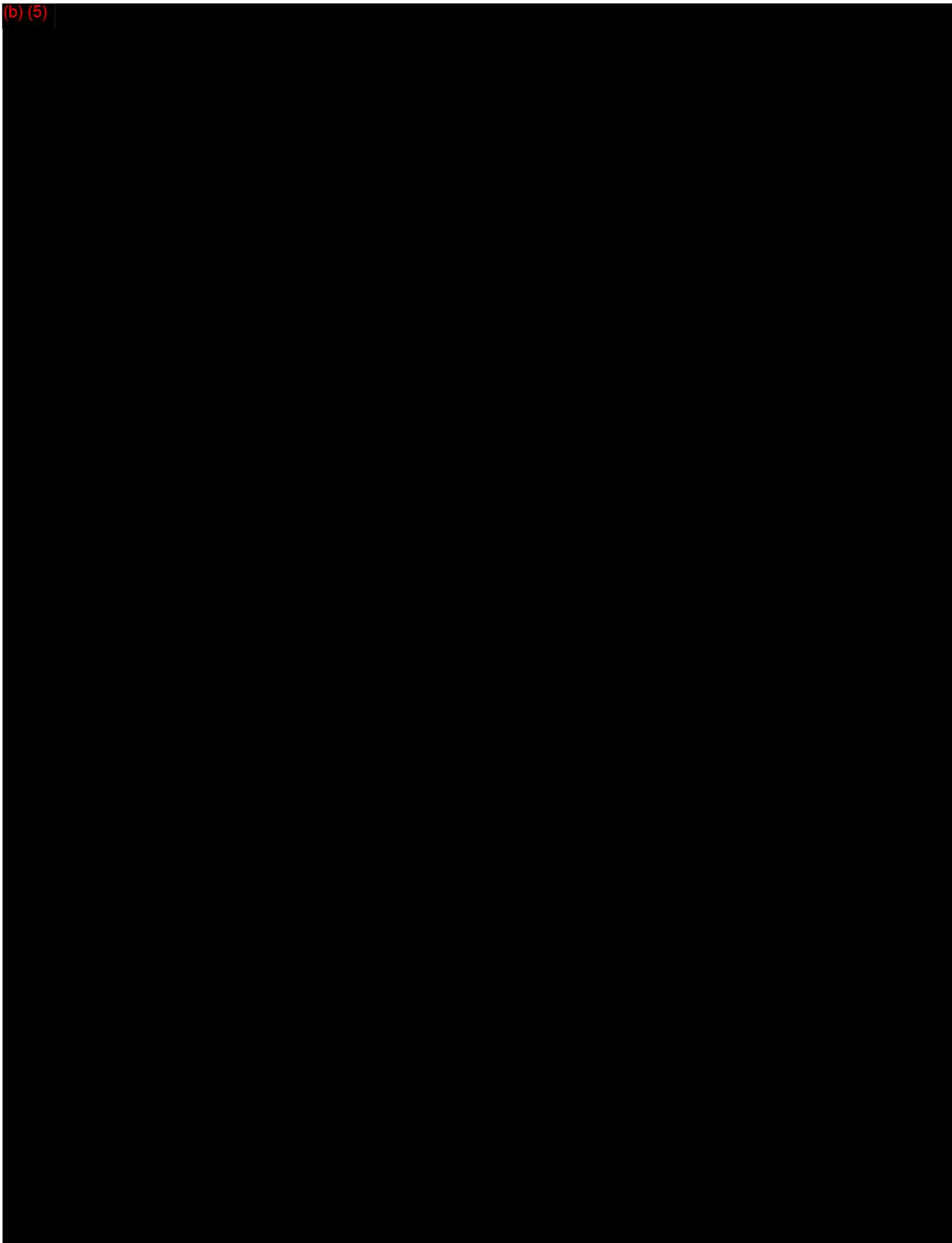


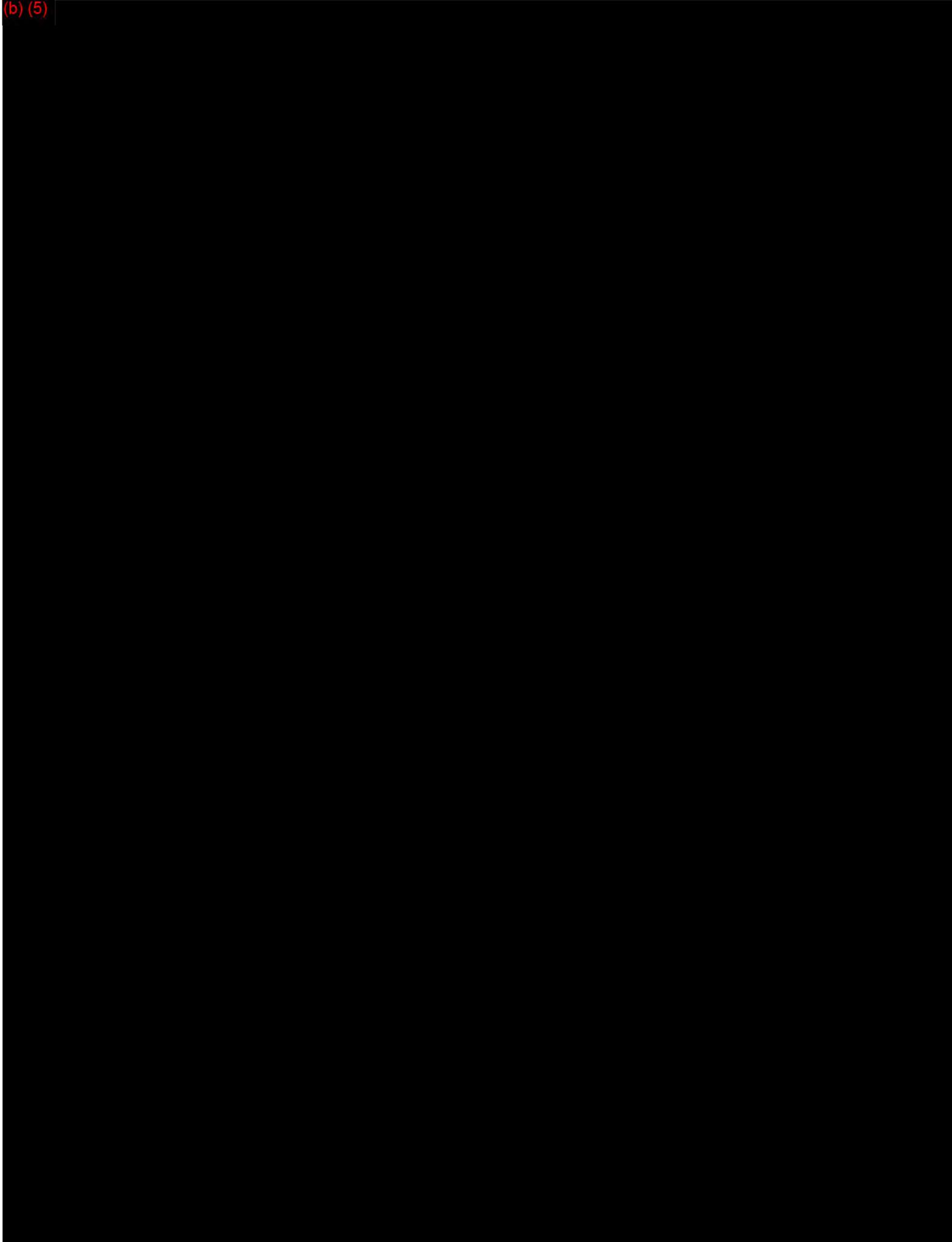


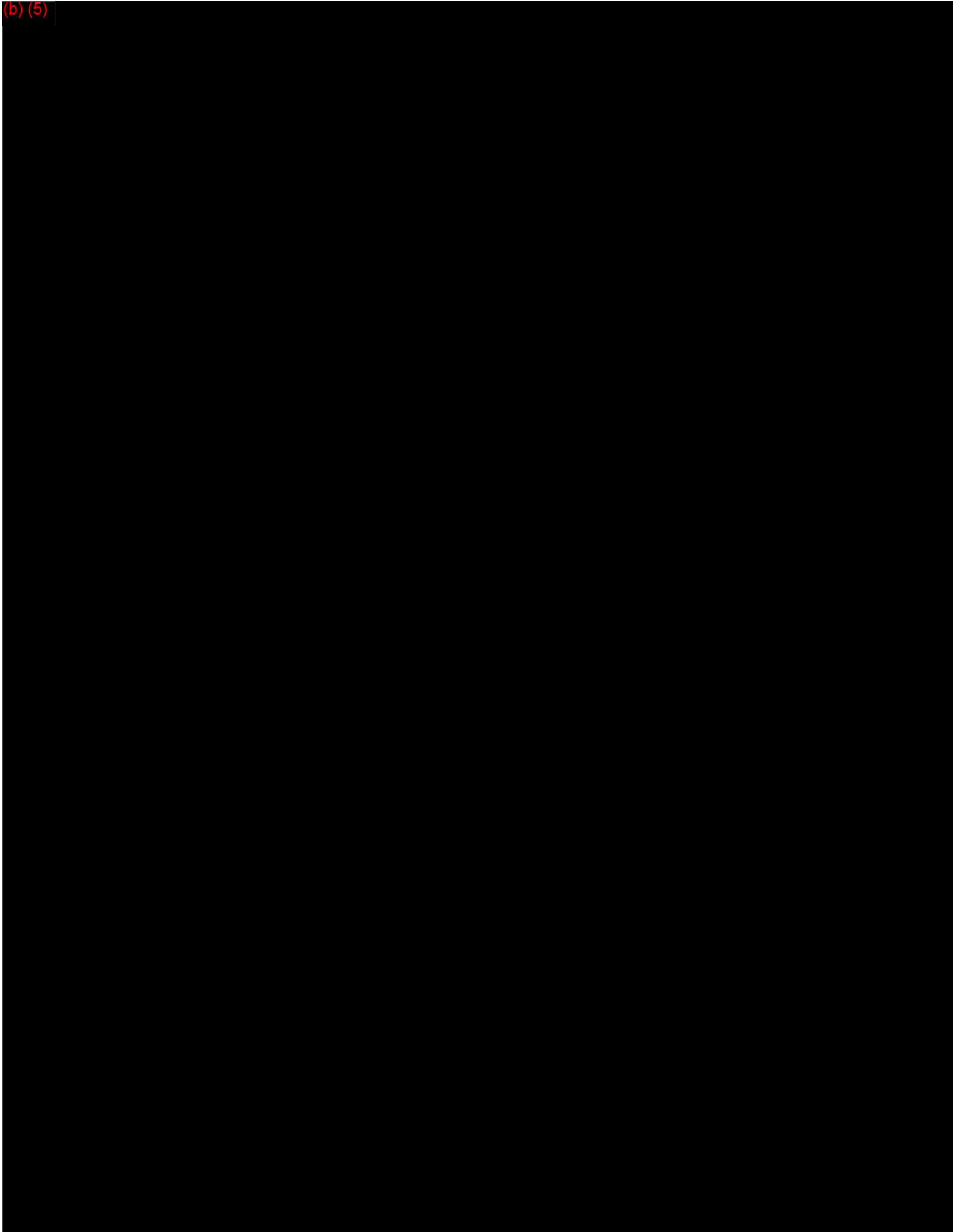


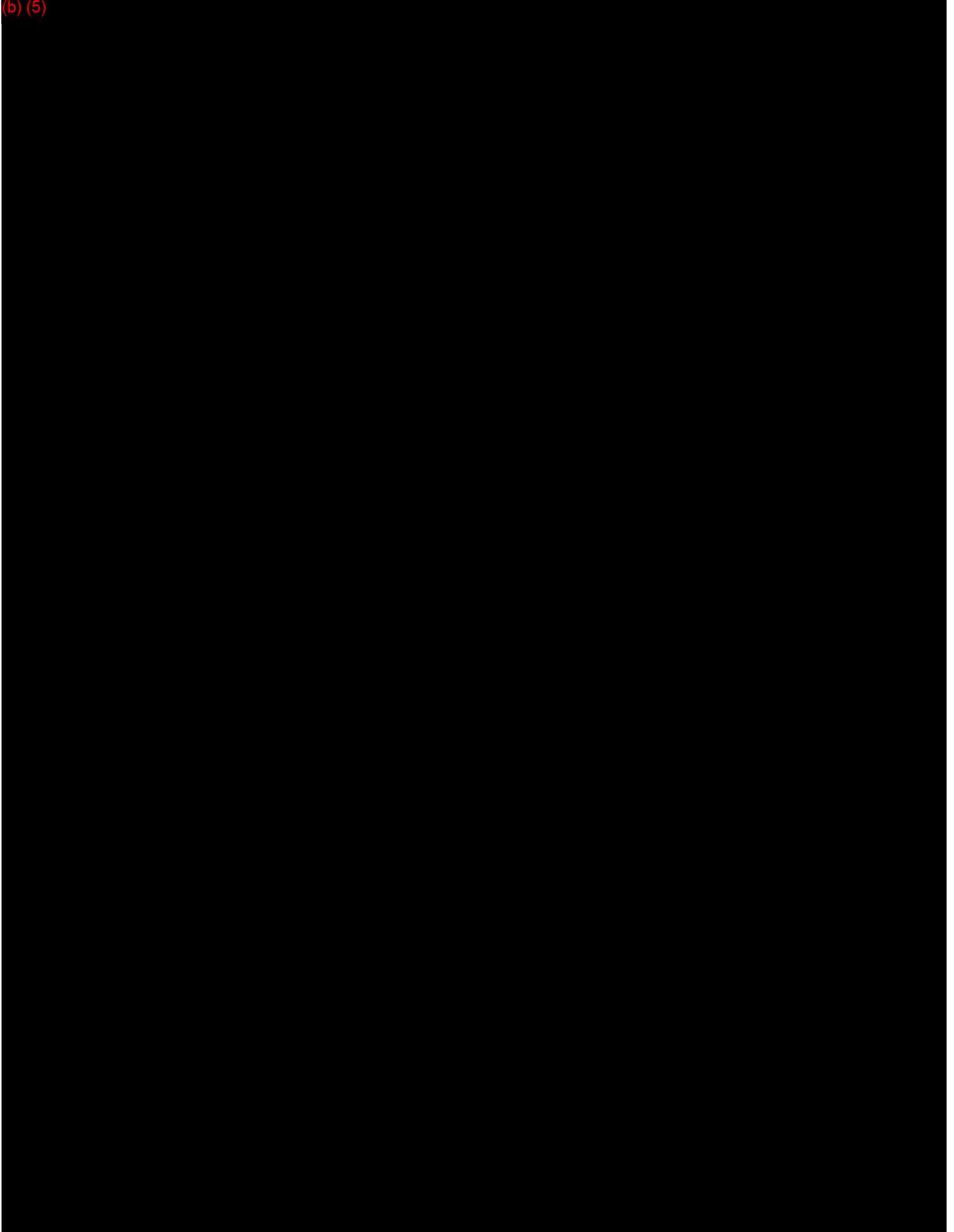


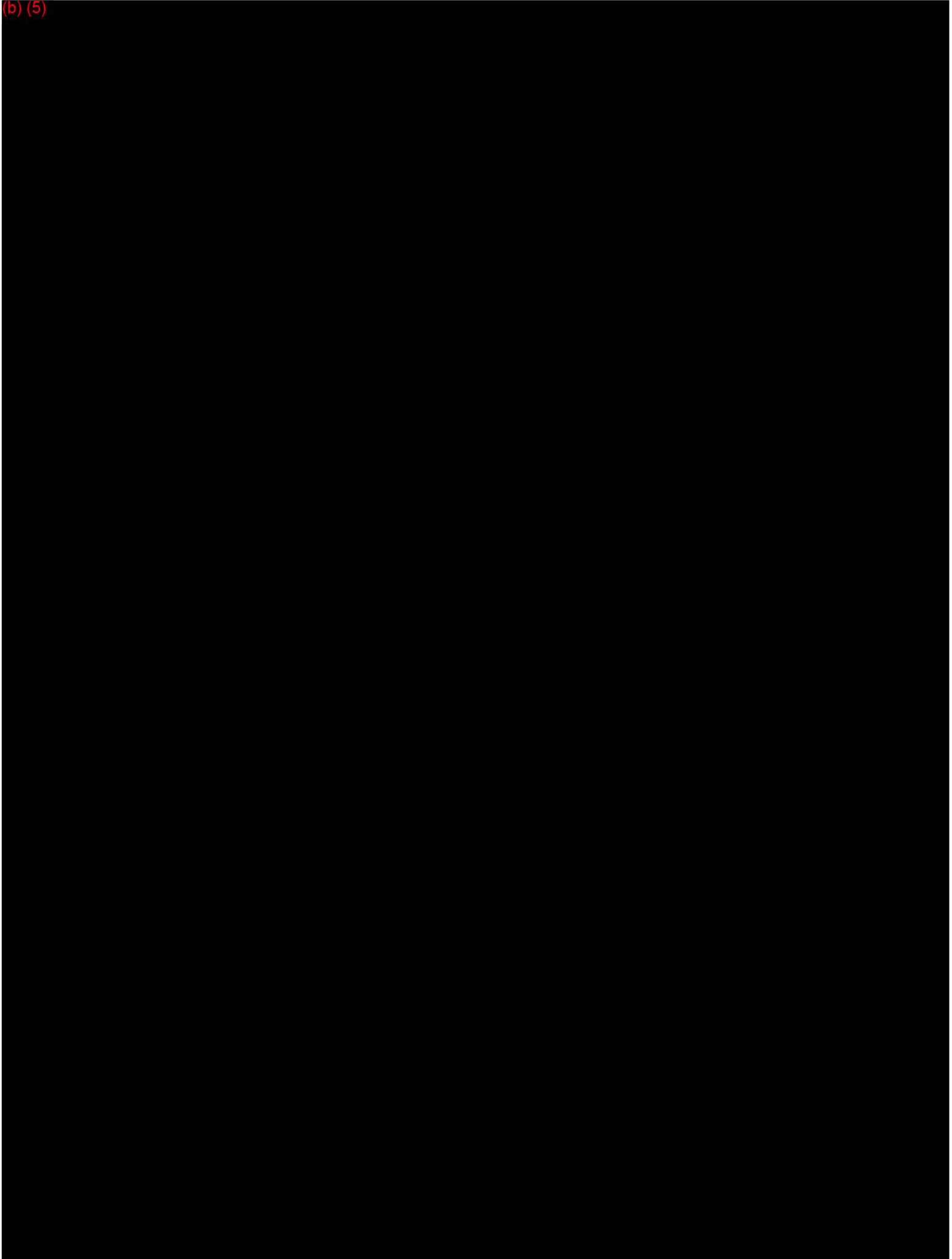


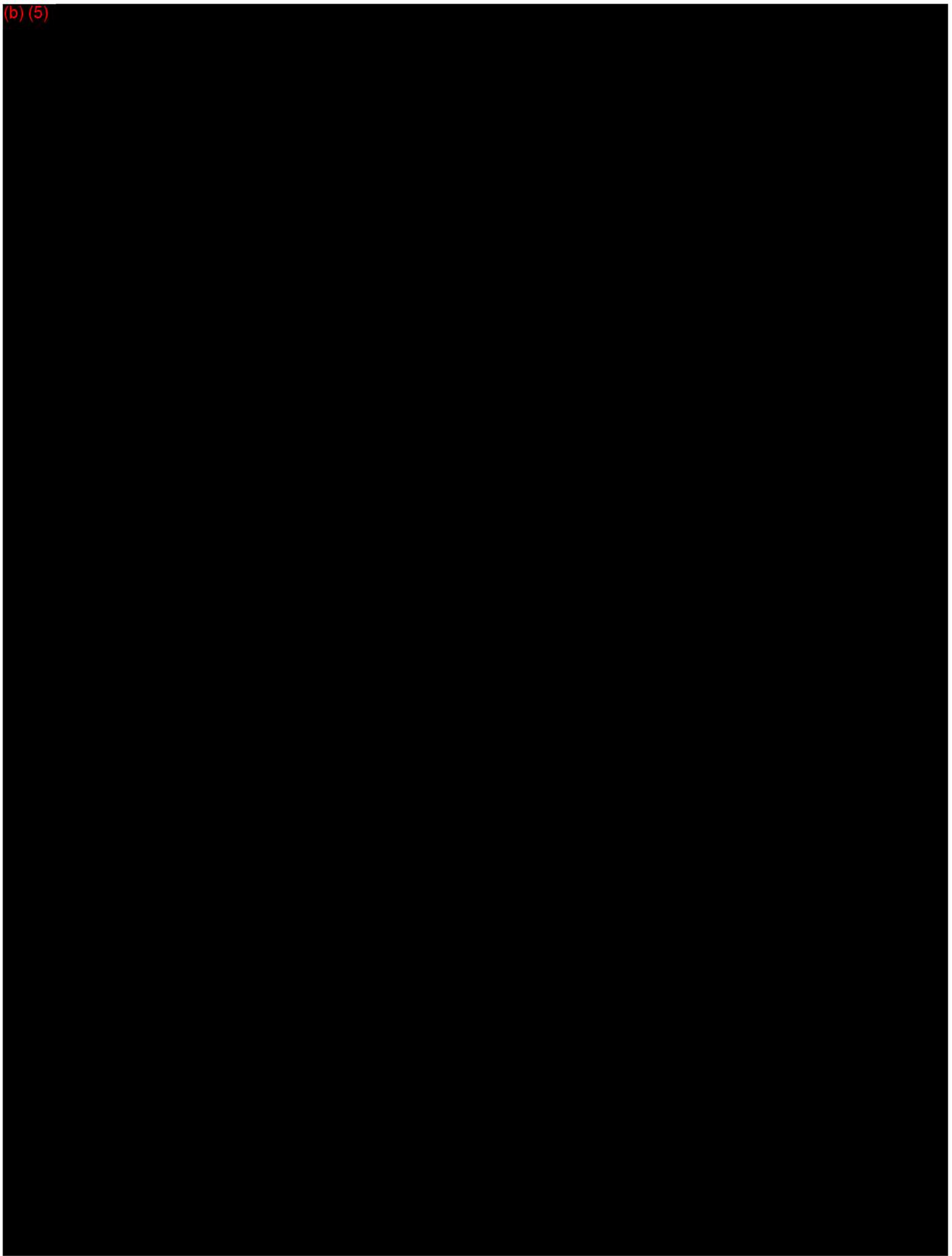


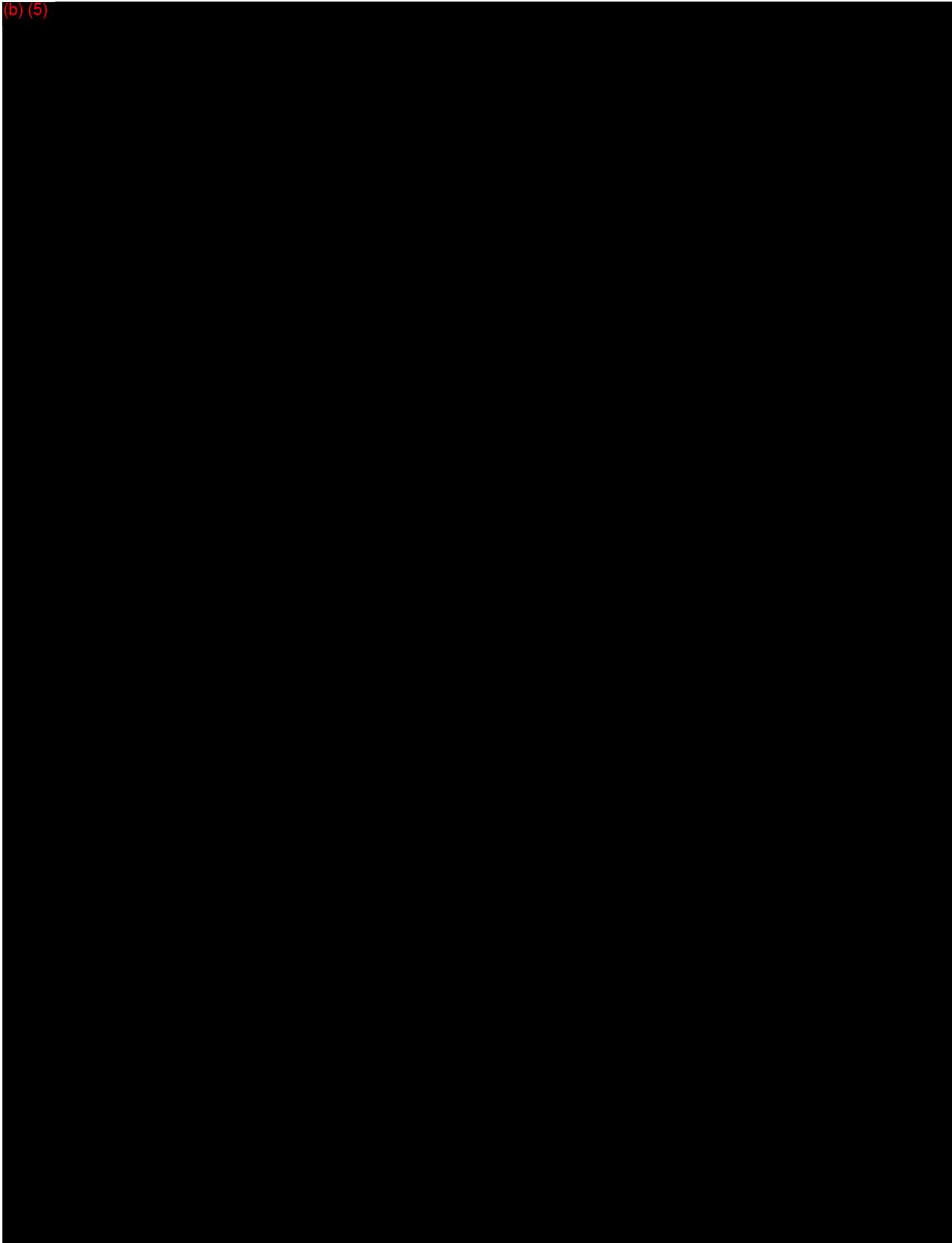


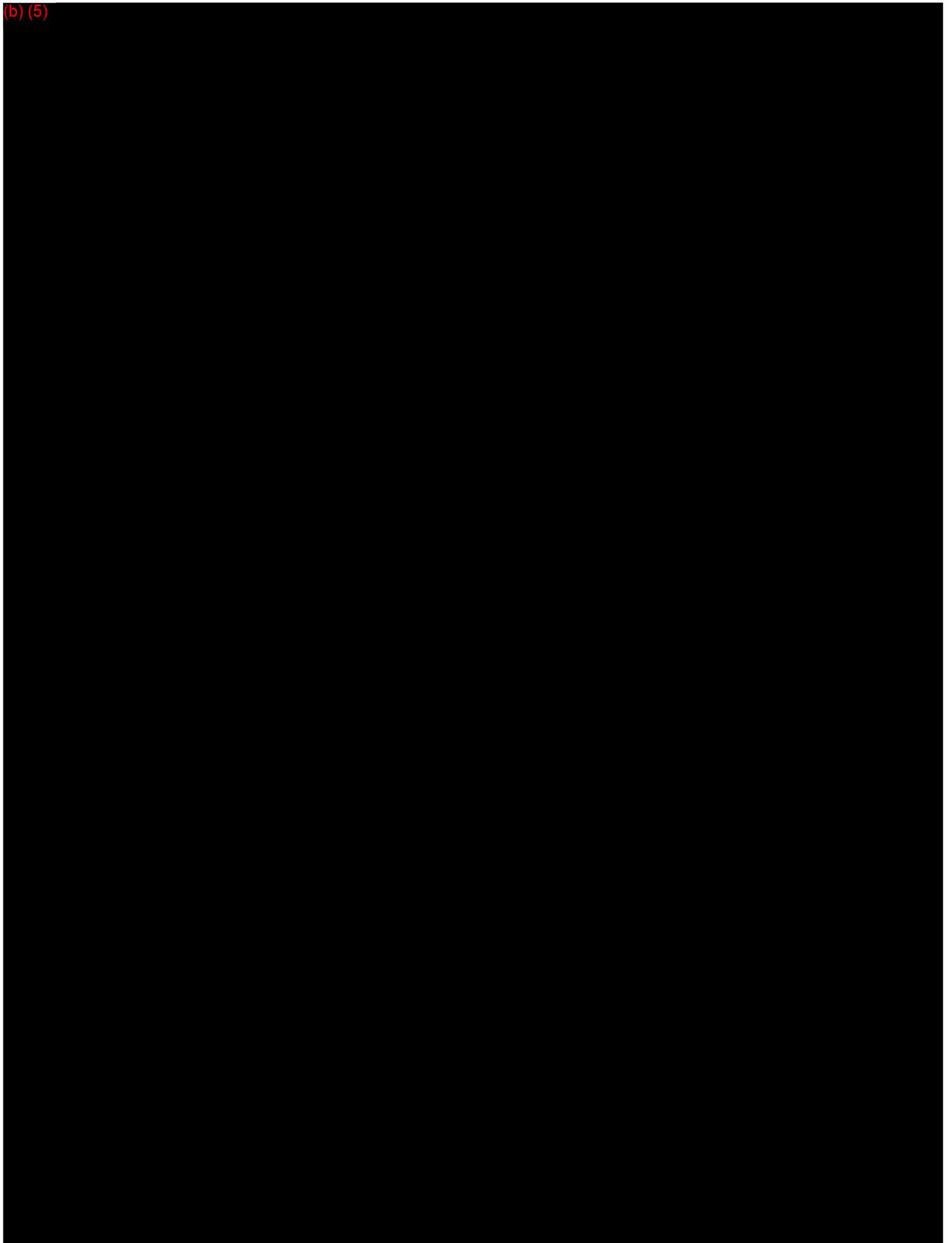


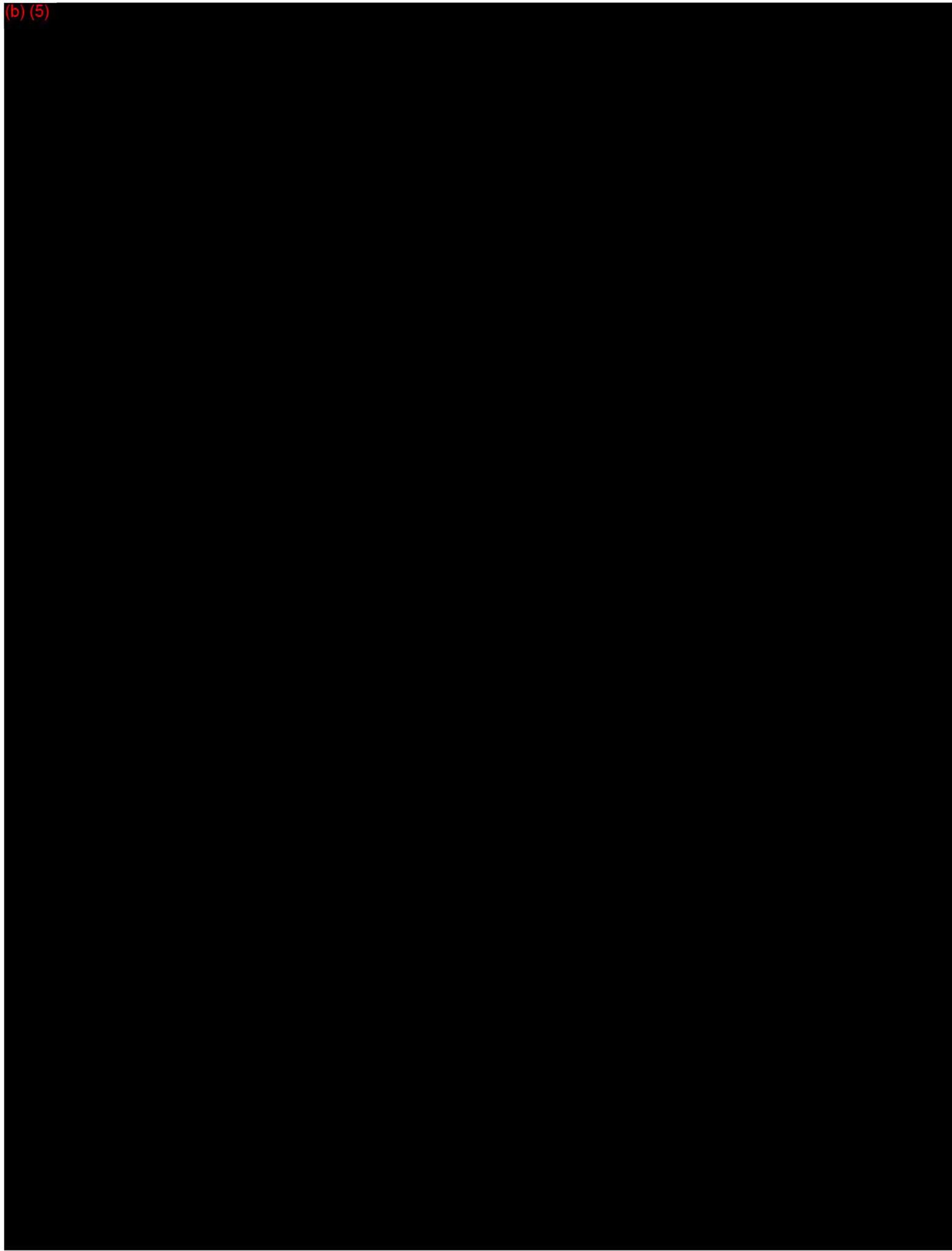


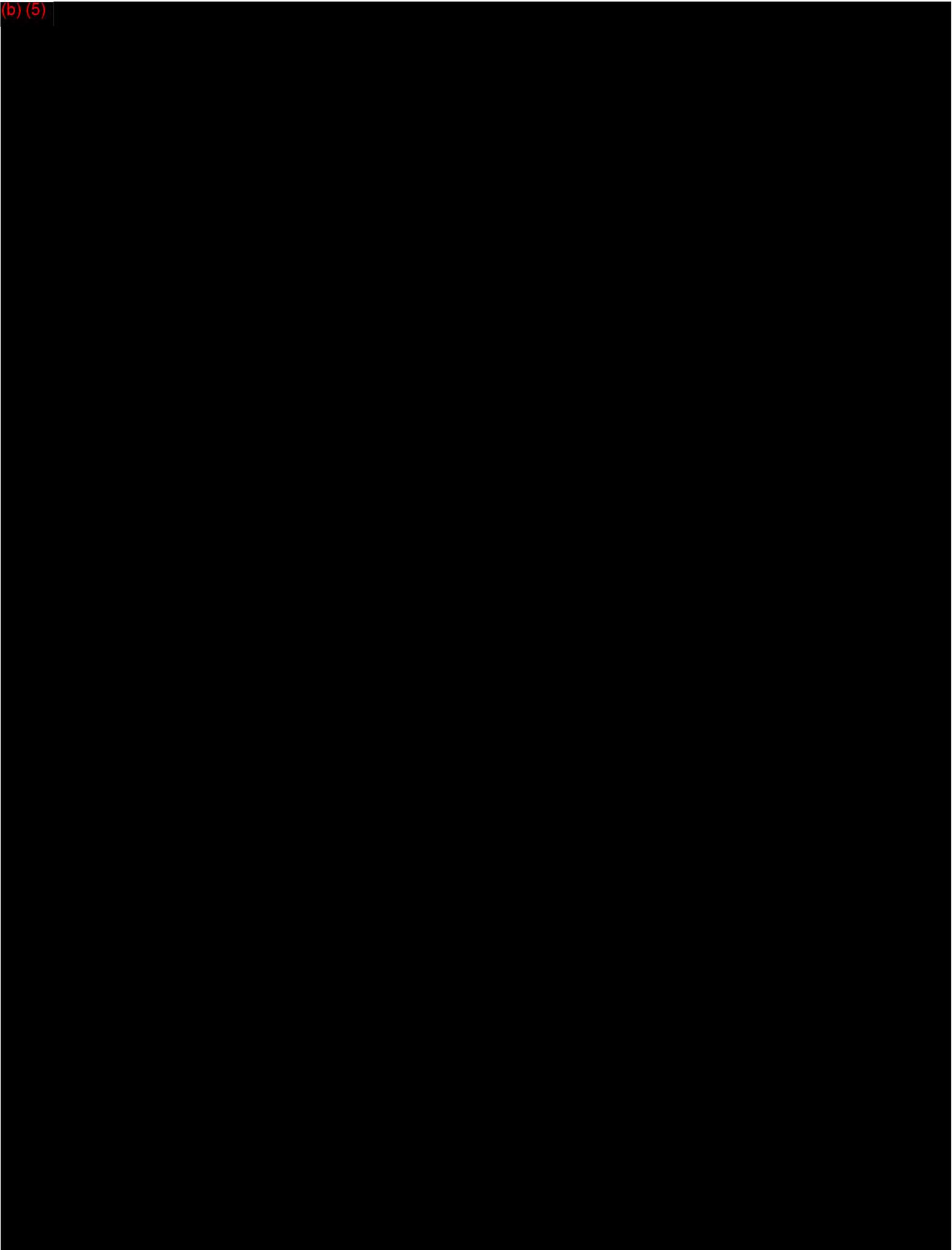


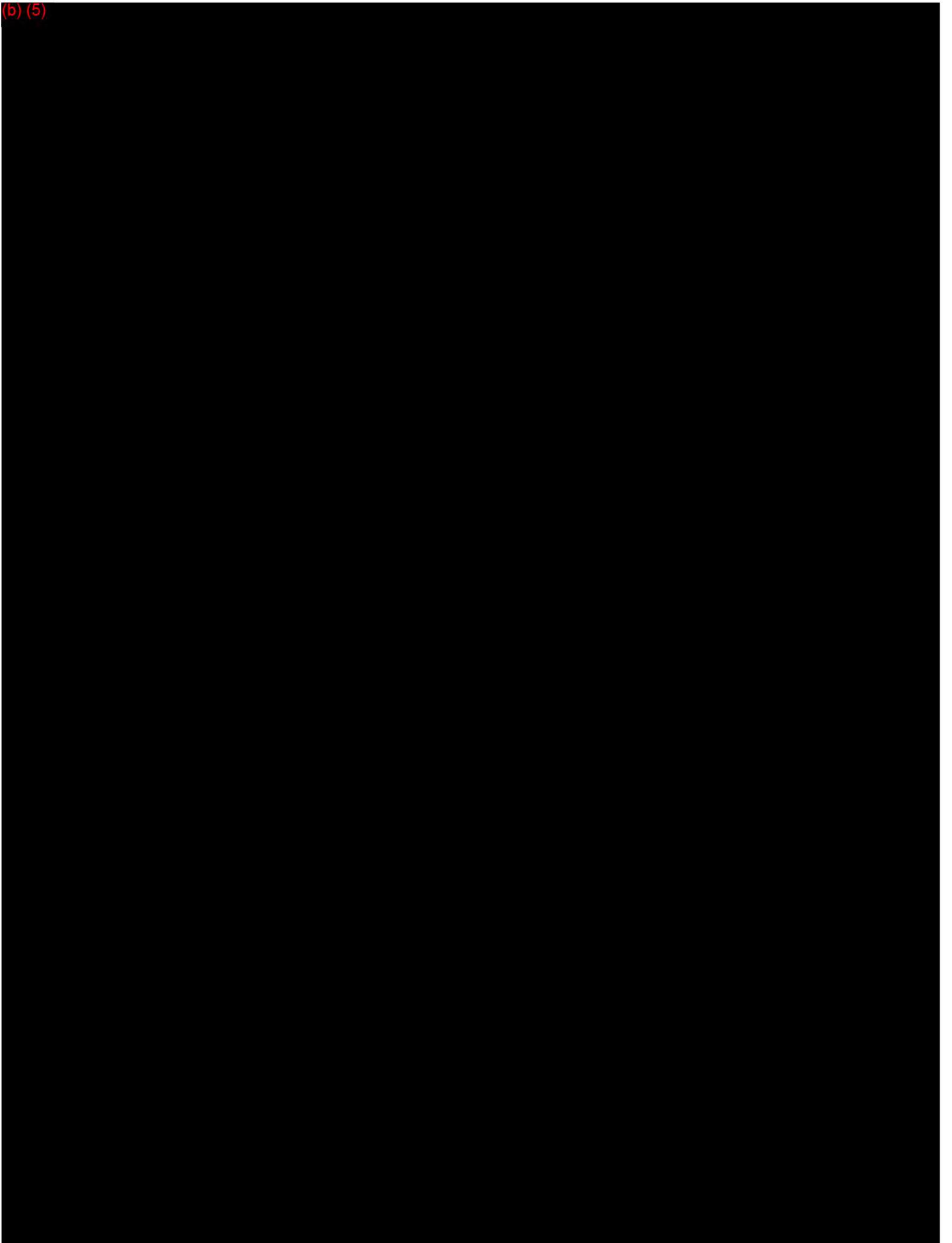


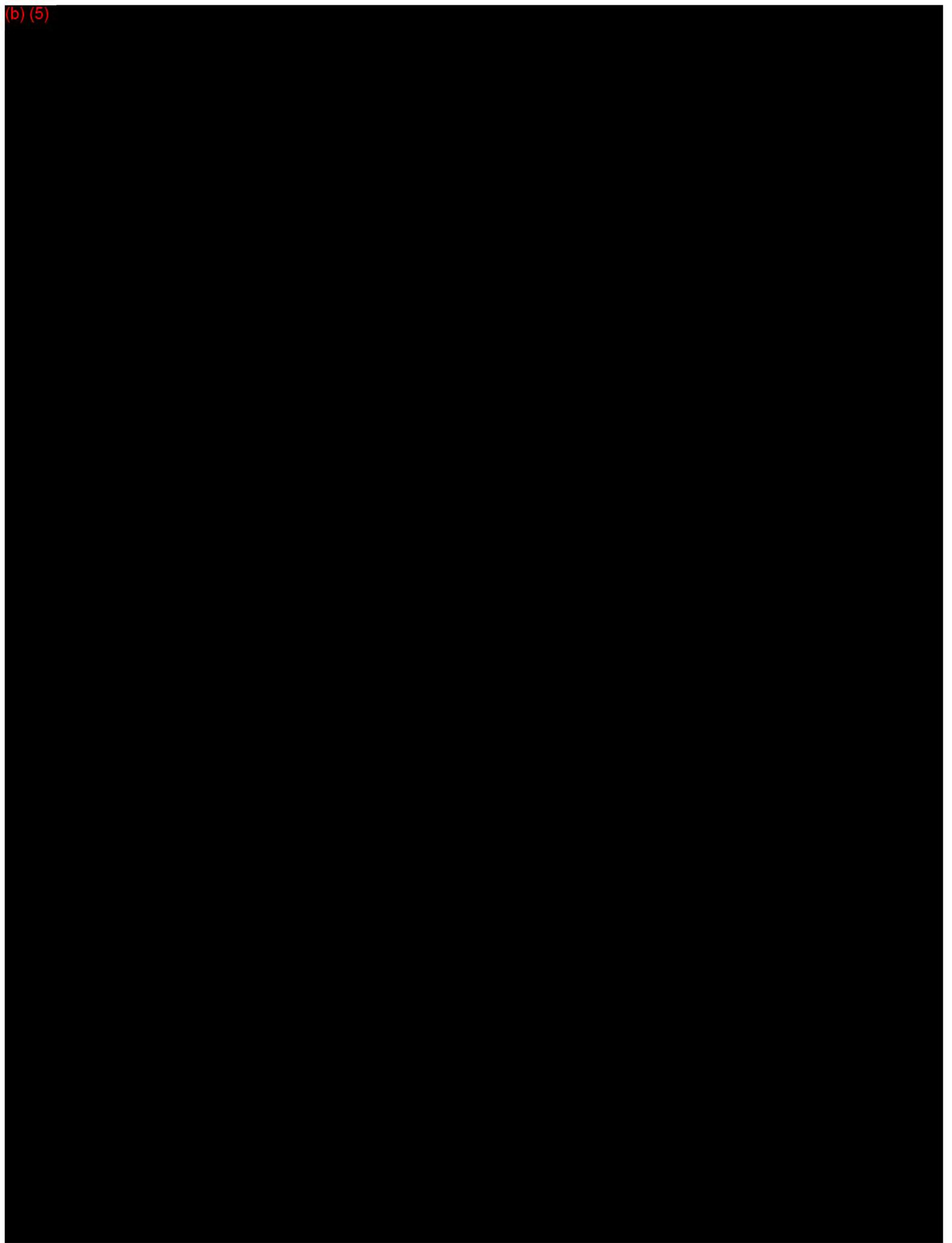


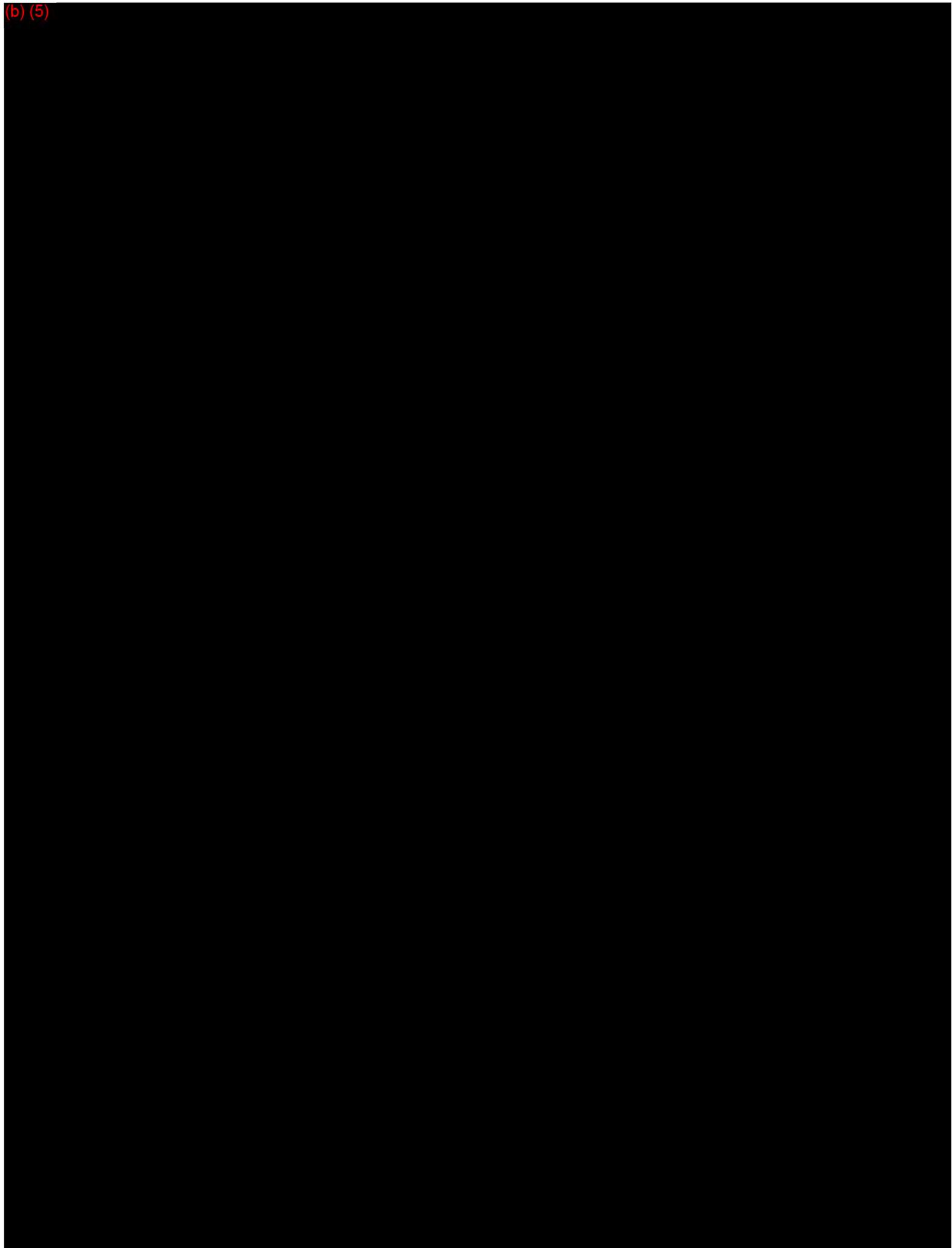


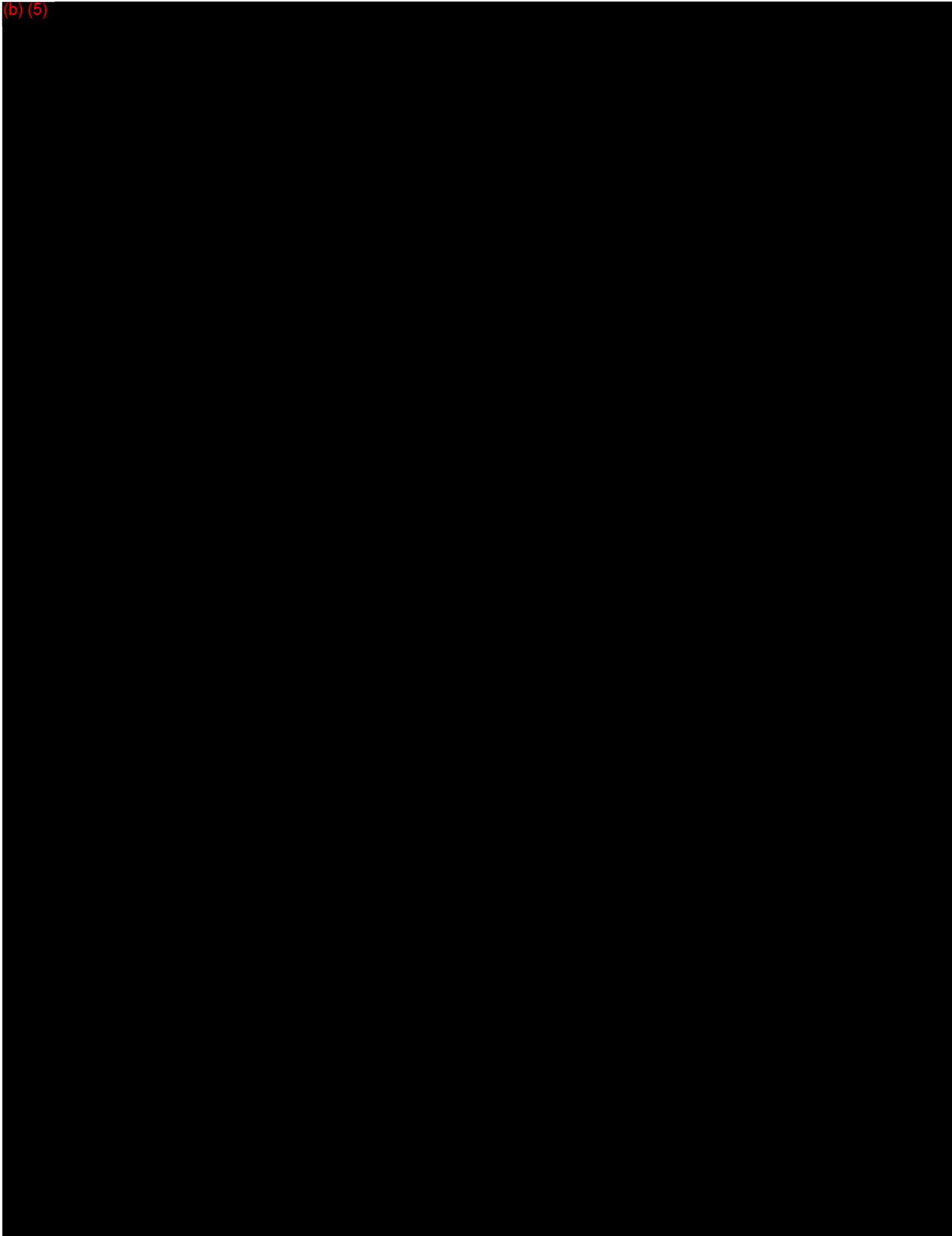


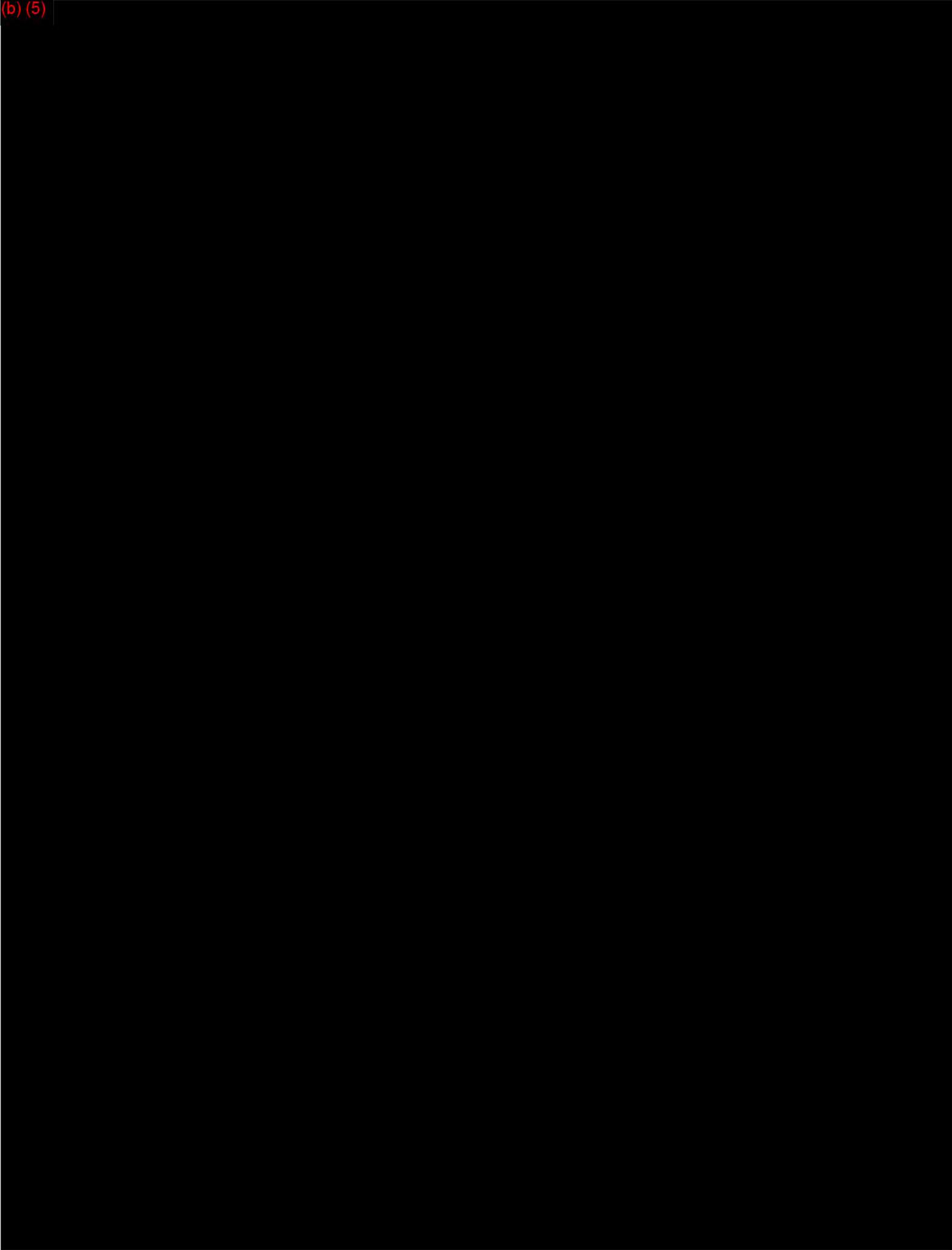


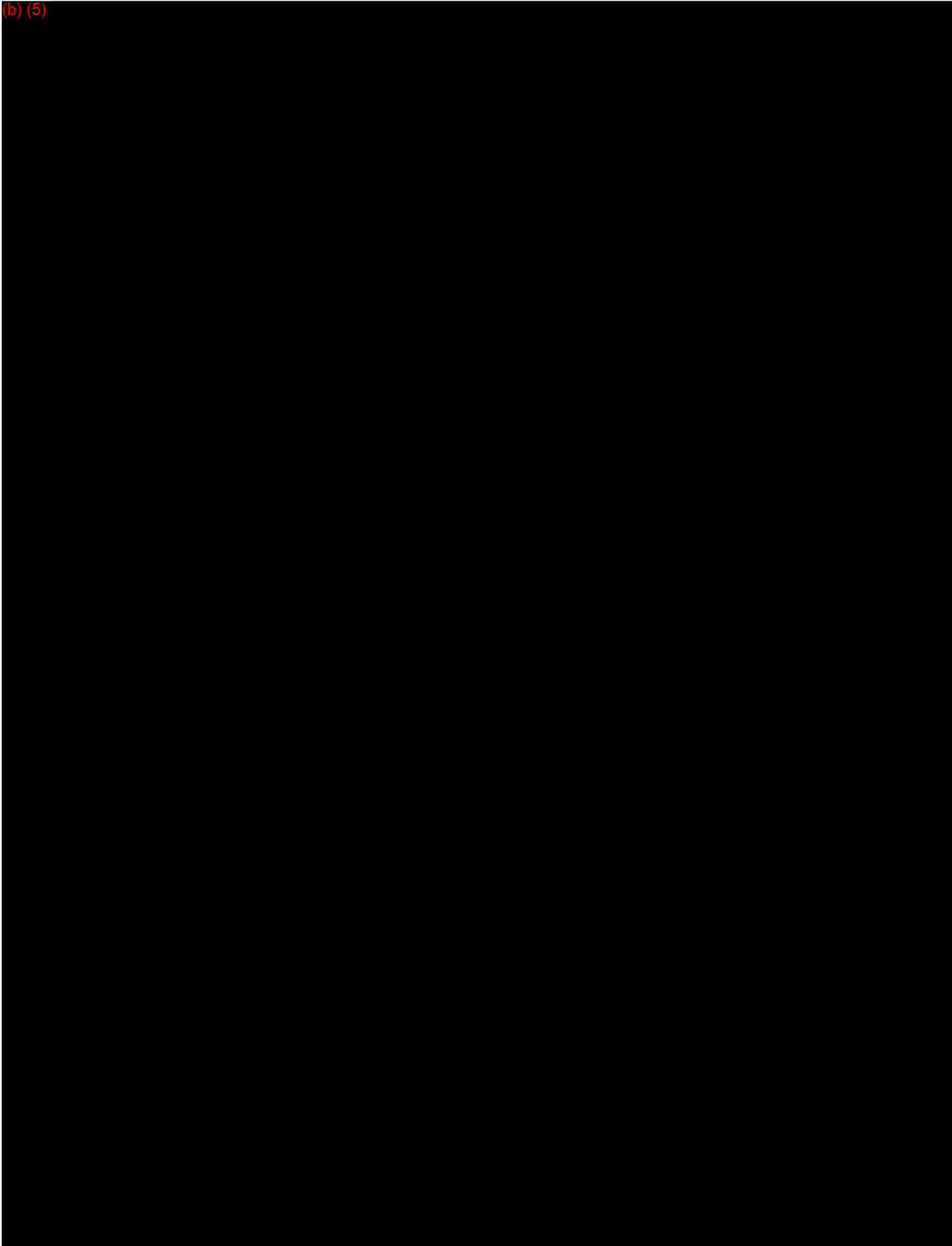


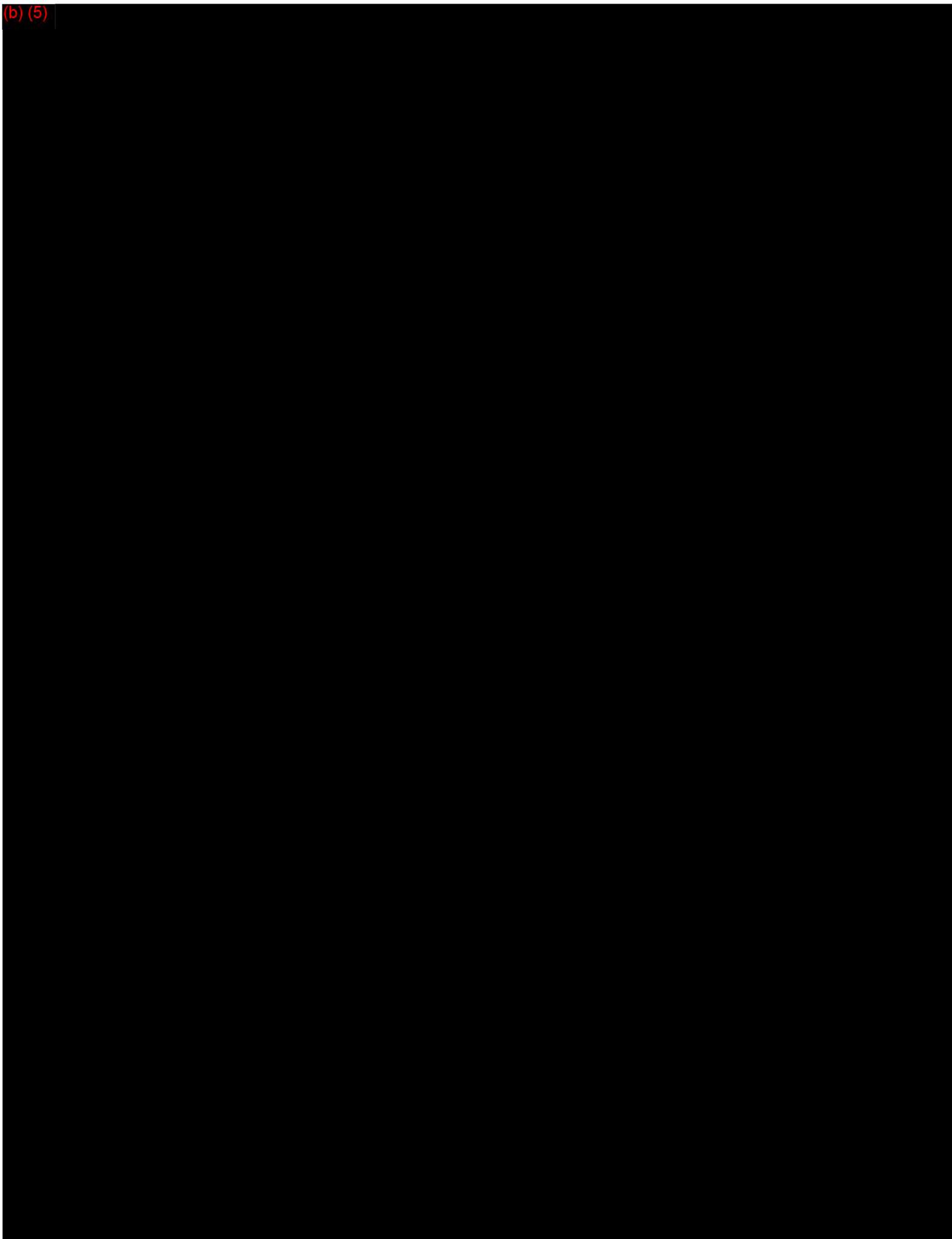


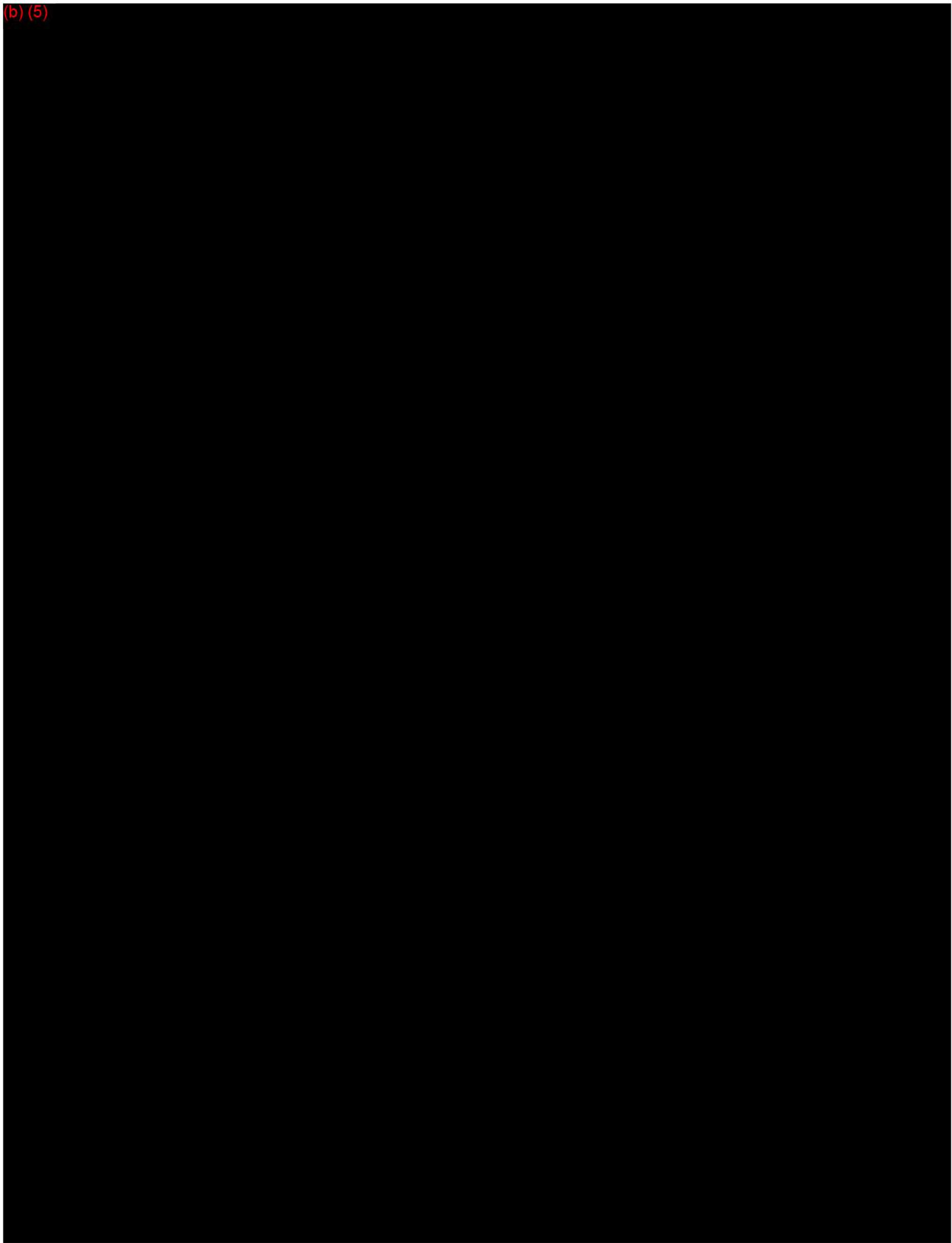


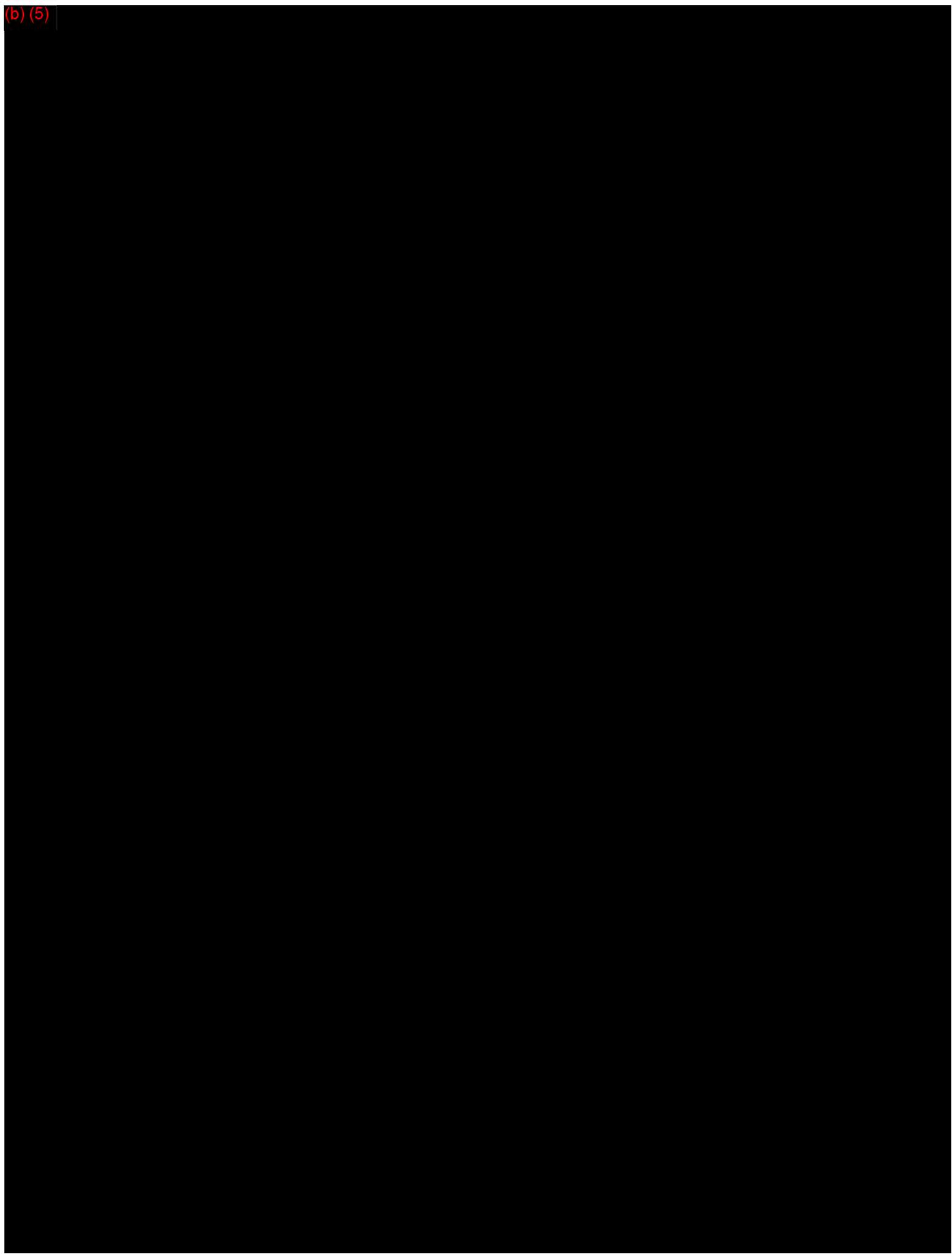


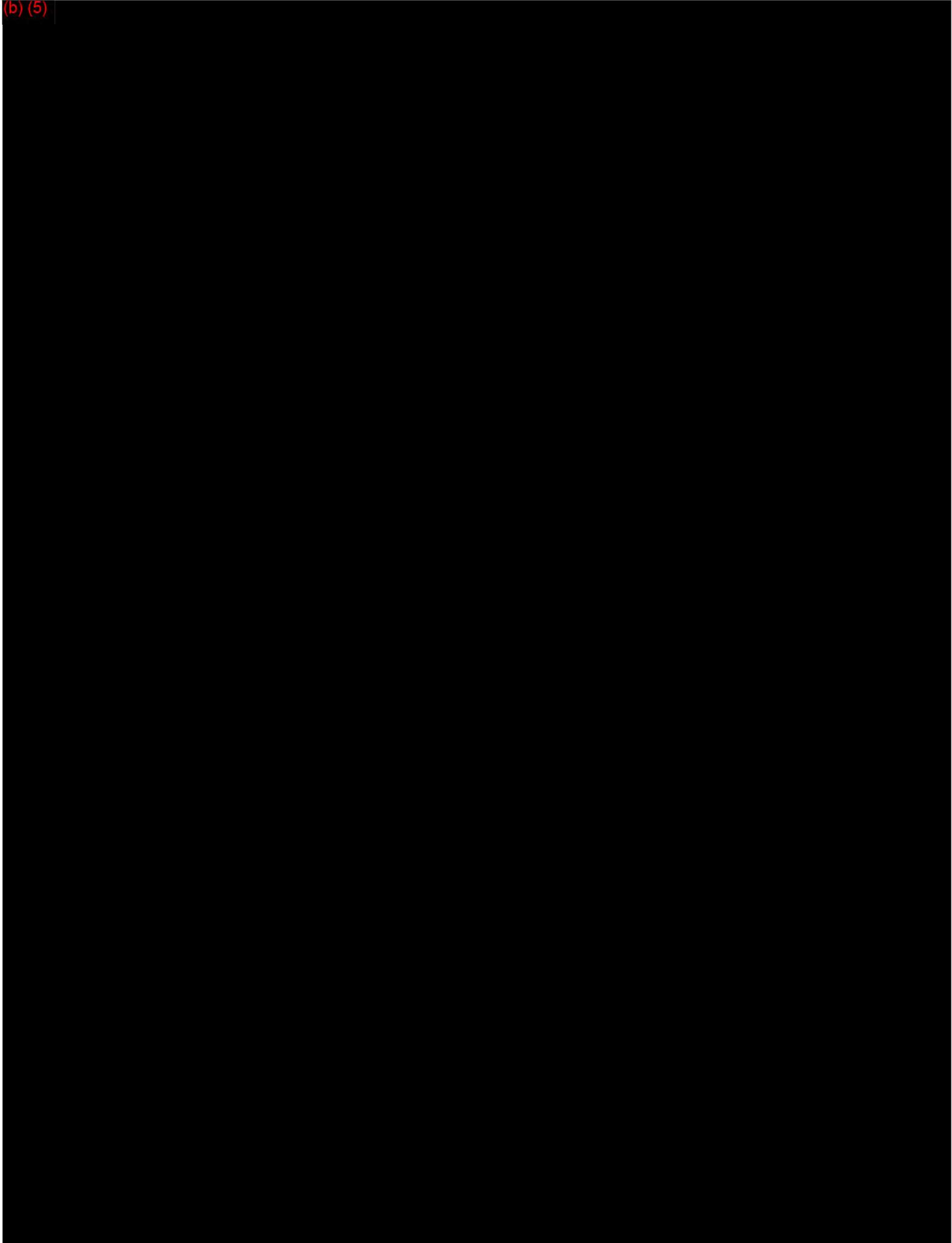












## RE: Draft ANPRM Fact Sheet

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**From:** "Schneider, Daniel J. EOP/CEQ" <(b) (6)>  
**To:** "Drummond, Michael R. EOP/CEQ" (b) (6); "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Cc:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 14 Jun 2018 12:44:10 -0400  
**Attachments:** Draft ANPRM Fact Sheet 6-12-18 V2 als MN 6 14 18.docx (21.9 kB)

Aaron called me with a minor edit (attached).

Ted, anything on your end?

**From:** Drummond, Michael R. EOP/CEQ  
**Sent:** Thursday, June 14, 2018 12:31 PM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Cc:** Schneider, Daniel J. EOP/CEQ <(b) (6)> Szabo, Aaron L. EOP/CEQ <(b) (6)> Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** Re: Draft ANPRM Fact Sheet

None from me either.

Michael Drummond  
Deputy Associate Director for NEPA  
Council on Environmental Quality  
(b) (6)

On Jun 14, 2018, at 11:31 AM, Seale, Viktoria Z. EOP/CEQ <(b) (6)> wrote:

Dan,

I have no suggested edits.

Thank you,

Viktoria

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Thursday, June 14, 2018 10:12 AM  
**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>; Seale, Viktoria Z. EOP/CEQ <(b) (6)> Drummond, Michael R. EOP/CEQ

<(b) (6)>

**Subject:** Draft ANPRM Fact Sheet

All,

Please see the attached fact sheet for your review on the ANPRM. This draft reflects Mary's edits.

Thanks,

Dan

Dan Schneider  
Associate Director for Communications  
Council on Environmental Quality  
Executive Office of the President

(b) (6) (desk)

(b) (6)

[www.whitehouse.gov/ceq](http://www.whitehouse.gov/ceq)

Version 6.14.18

### Council on Environmental Quality Requests Public Comment on Potential Revisions to Update National Environment Policy Act Regulations

On **June XX**, 2018, the Council on Environmental Quality (CEQ) submitted an Advance Notice of Proposed Rulemaking (ANPRM) titled “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” to the *Federal Register* for publication and public comment.

#### Background:

- On August 15, 2017, President Trump issued [Executive Order 13807](#) which directed CEQ to develop an initial list of actions it would take to enhance and modernize the Federal environmental review and authorization process.
- In its [initial list of actions](#) published in the *Federal Register* on September 14, 2017, CEQ stated that it intended to review its 1978 regulations implementing the procedural requirements of the National Environmental Policy Act (NEPA) in order to identify potential updates and clarifications to those regulations.
- Over the past four decades, CEQ has issued numerous guidance documents but has amended its NEPA regulations substantively only once in 1986. Given the length of time since those regulations were issued, CEQ has determined it appropriate to solicit public comment on potential revisions to update the regulations.

#### Request for Public Comment:

- CEQ requests comment on potential revisions to update and clarify CEQ’s NEPA regulations. Comments should be submitted on or before 30 days after the date of publication in the *Federal Register*. To comment, go to <https://www.regulations.gov> and follow the online instructions for submitting comments to Docket ID No. CEQ-2018-0001.
- Through a series of 20 questions, CEQ is requesting comments on the NEPA process, the scope of NEPA review, and other areas of interest related to NEPA.

#### Next Steps:

- Following the conclusion of the public comment period, CEQ will review the comments before taking any potential further action.

**Deleted:** and ways to improve the NEPA process.  
**Commented [SDJE1]:** Aaron felt this was redundant. Suggested change.

## Draft ANPRM Fact Sheet

---

**From:** "Schneider, Daniel J. EOP/CEQ" <(b) (6)>  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Cc:** "Boling, Ted A. EOP/CEQ" (b) (6) "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 14 Jun 2018 10:12:08 -0400  
**Attachments:** Draft ANPRM Fact Sheet 6-12-18 V2 als MN 6 14 18.docx (19.73 kB)

---

All,

Please see the attached fact sheet for your review on the ANPRM. This draft reflects Mary's edits.

Thanks,

Dan

Dan Schneider  
Associate Director for Communications  
Council on Environmental Quality  
Executive Office of the President  
(b) (6) (desk)  
(b) (6)  
[www.whitehouse.gov/ceq](http://www.whitehouse.gov/ceq)

Version 6.14.18

## **Council on Environmental Quality Requests Public Comment on Potential Revisions to Update National Environment Policy Act Regulations**

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- Through a series of 20 questions, CEQ is requesting comments on the NEPA process, the scope of NEPA review, and ways to improve the NEPA process.

### **Next Steps:**

- Following the conclusion of the public comment period, CEQ will review the comments before taking any potential further action.

# OMB Concluded Review of CEQ NEPA ANPRM

---

**From:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>  
:  
"Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
"Boling, Ted A. EOP/CEQ"  
**To:** <(b) (6)> "Drummond, Michael R. EOP/CEQ"  
<(b) (6)> "Sharp, Thomas L. EOP/CEQ"  
<(b) (6)> "Smith, Katherine R. EOP/CEQ"  
<(b) (6)> "Loyola, Mario A. EOP/CEQ"  
<(b) (6)> "Barnett, Steven W. EOP/CEQ"  
<(b) (6)> "Gignoux, Caroline M. EOP/CEQ (Intern)"  
<(b) (6)>  
**Date:** Thu, 14 Jun 2018 23:19:56 -0400

---

Hi CEQ Team,

This may be old news as I emailed Aaron earlier today, but I wanted to send a quick note that OMB concluded review this afternoon on CEQ's advanced notice of proposed rulemaking titled, "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," RIN 0331-AA03.

Best,  
Chad

Chad Whiteman  
Deputy Chief, Natural Resources and Environment Branch  
Office of Information and Regulatory Affairs  
Office of Management and Budget | Executive Office of the President  
202-395-4718

(b) (6)

## RE: Final Check: CEQ ANPRM

---

**From:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Cc:** "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 14 Jun 2018 11:27:59 -0400  
**Attachment s:** EO12866 Review CEQ NEPA ANPRM\_Revised\_Clean\_Final\_KS\_Redline + MN Edits + VZS Edit...\_.docx (49.52 kB)

Aaron,

I've made one additional edit – changing "Ted Boling" to "Edward A. Boling". You may want to check in with Ted but he asked me to make that change before we finalized the OFS management fund charter.

Also as a reminder, please give Angela a heads up on the page count (for budget purposes) and double-check the Federal Register billing code before it is submitted to the Federal Register for publication.

Thanks,

Viktoria

**From:** Neumayr, Mary B. EOP/CEQ  
**Sent:** Wednesday, June 13, 2018 8:14 PM  
**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Cc:** Smith, Katherine R. EOP/CEQ <(b) (6)>  
**Subject:** RE: Final Check: CEQ ANPRM

Aaron:

Katherine provided me with the redline of her edits and I have added a few very minor proposed revisions for consistency in the document. Subject to Viktoria's review, I have no additional proposed revisions. Thanks,

Mary

Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Tuesday, June 12, 2018 9:19 AM  
**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)>

Cc: Smith, Katherine R. EOP/CEQ <(b) (6)>

Subject: Final Check: CEQ ANPRM

Hey Mary and Viktoria,

We have received the go-ahead from OIRA to upload the final version to their system for conclusion Thursday night (show up on Friday). I have attached it here for your last final check to make sure that there are no things you want to change (to note, I would need to run the non-substantive changes by OIRA). I have modified the signature block to reflect Mary's middle initial.

I am hoping to upload today to their system.

Thanks and let me know if you have any questions.

**Aaron L. Szabo**

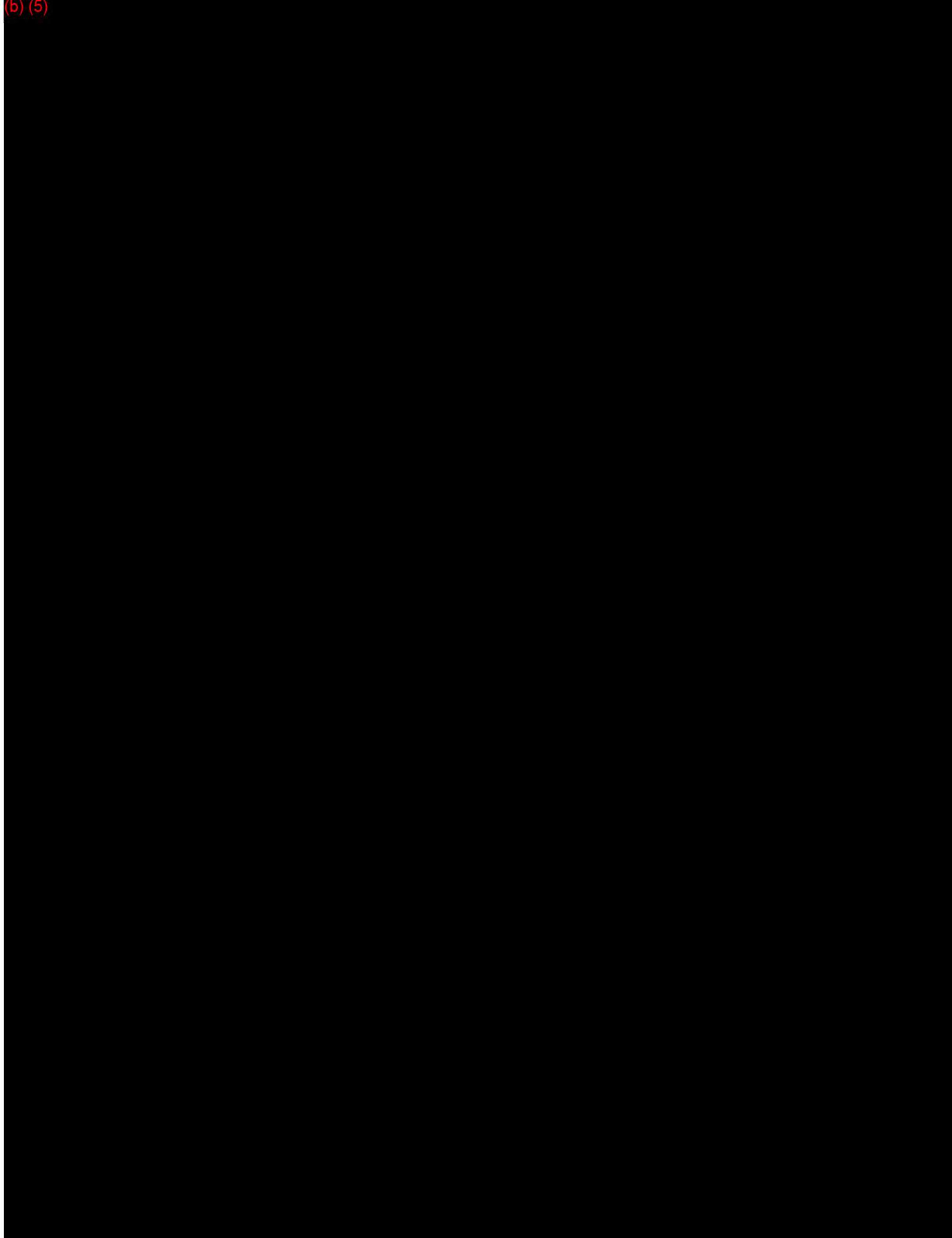
Senior Counsel

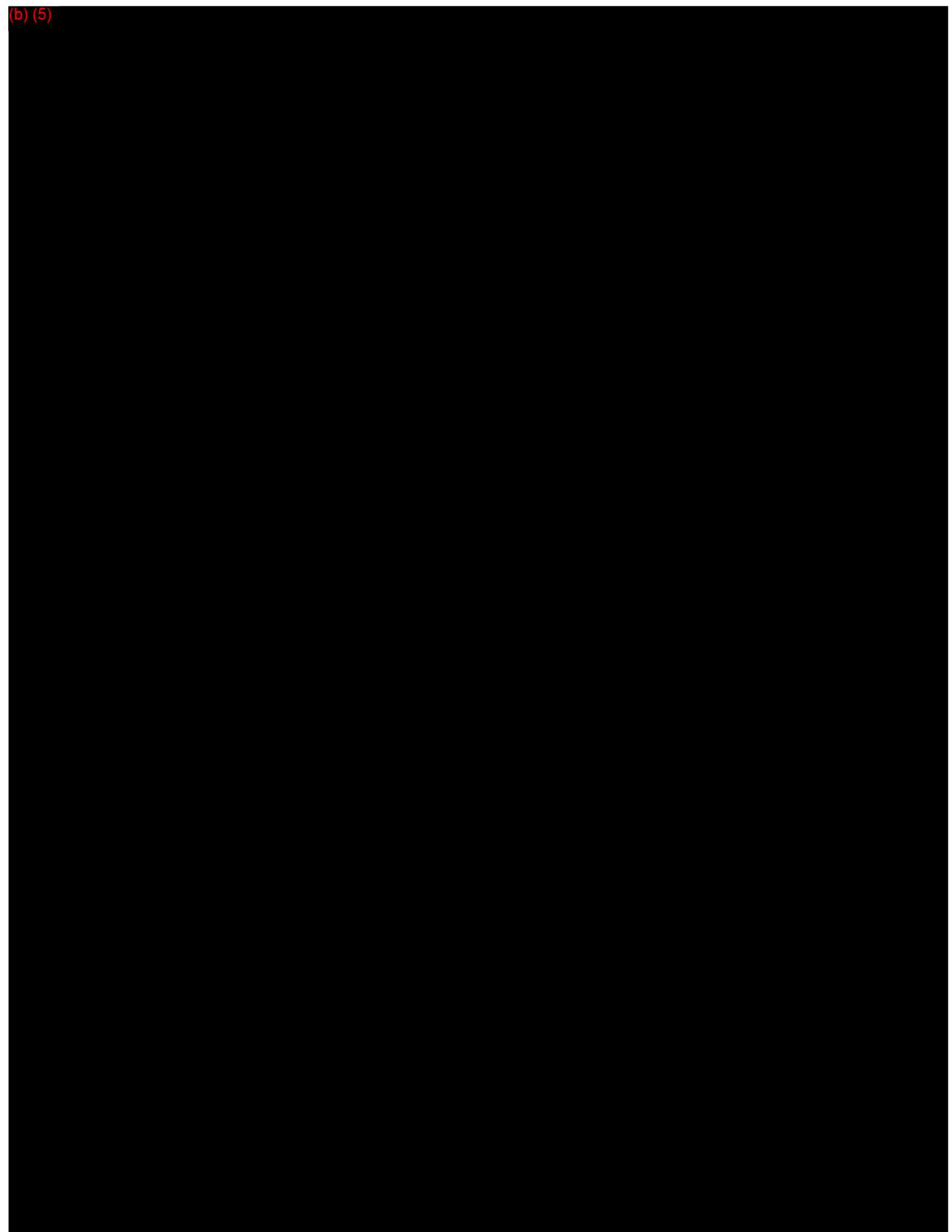
Council on Environmental Quality

(b) (6) (Desk)

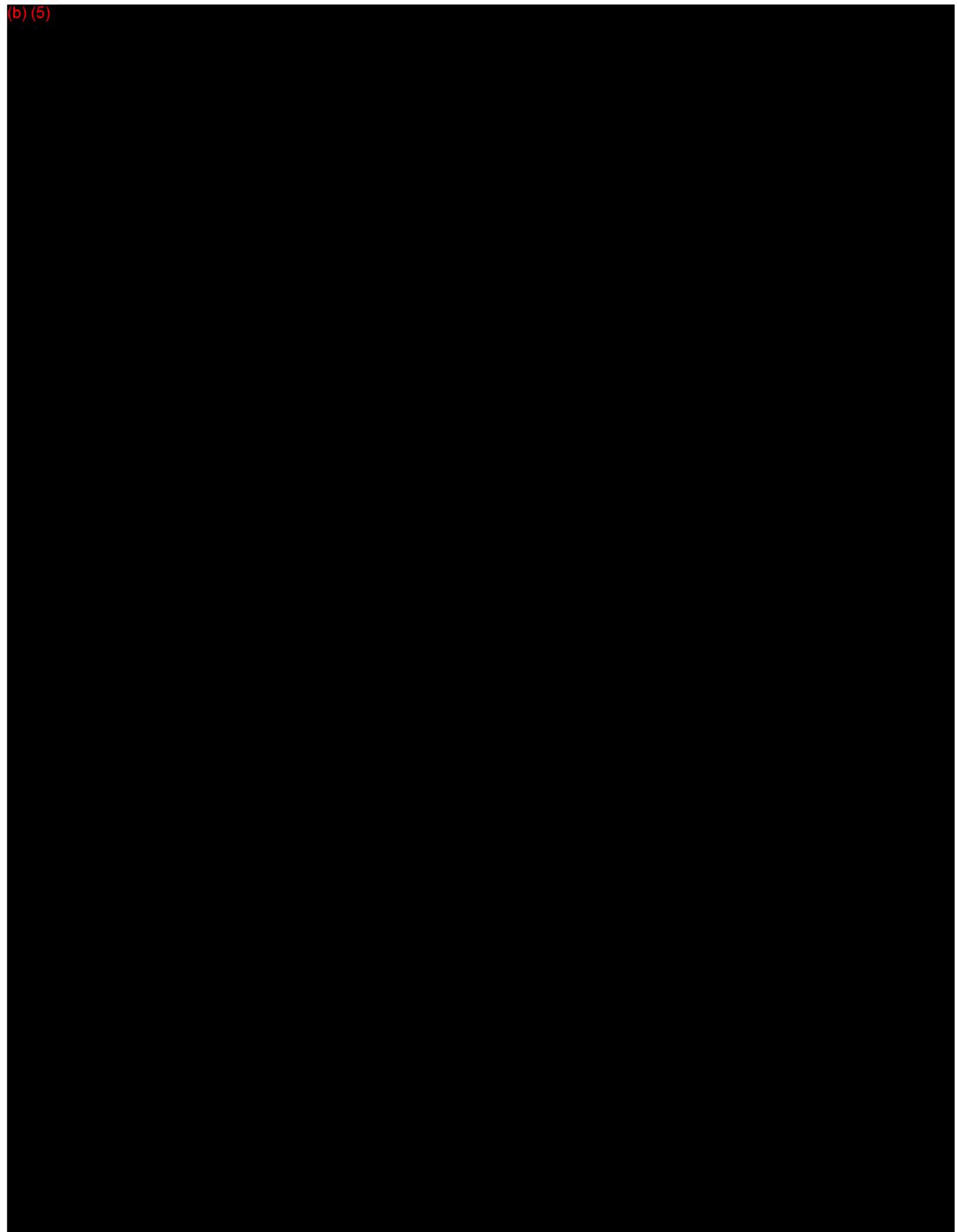
(b) (6) (Cell)

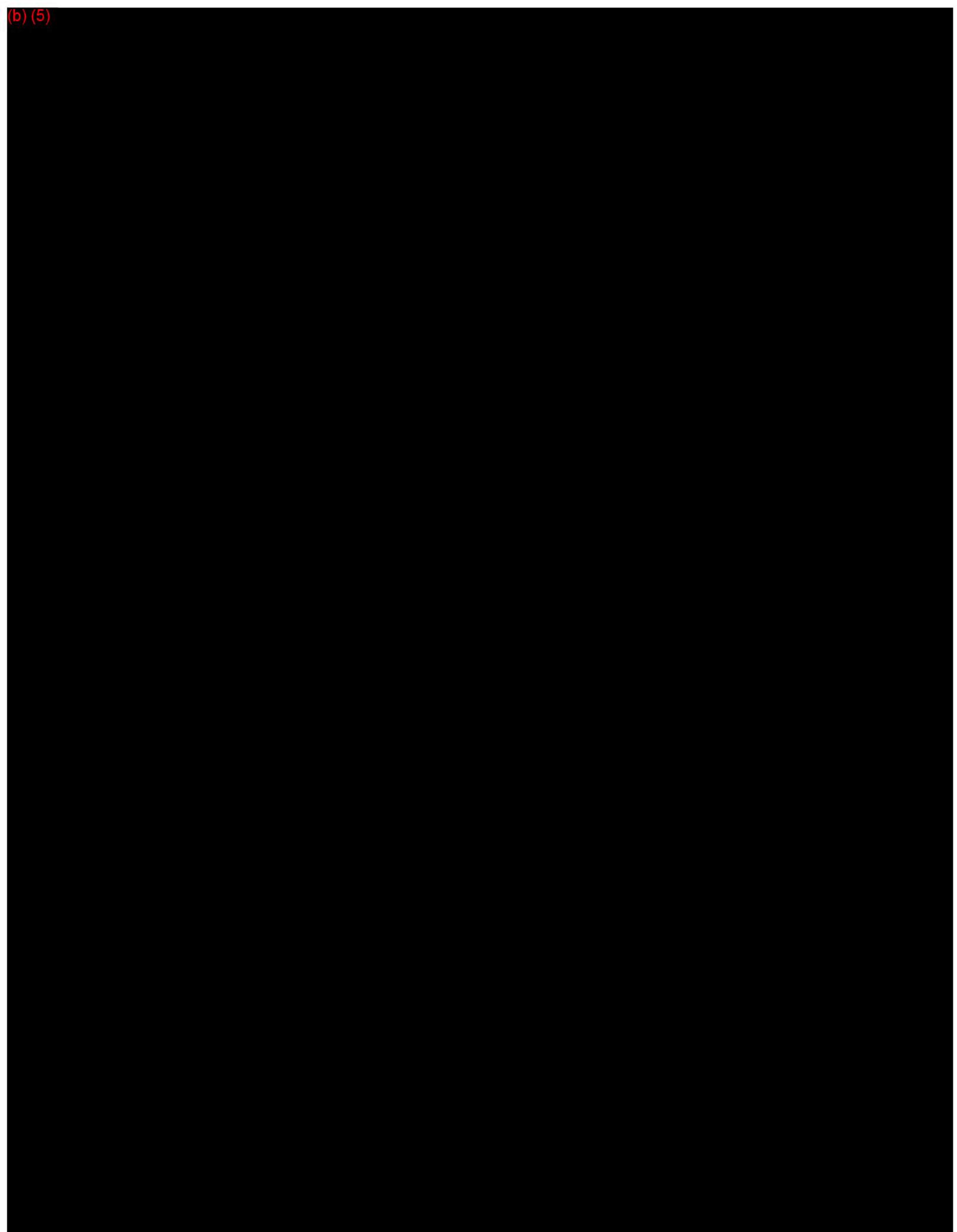
(b) (6)



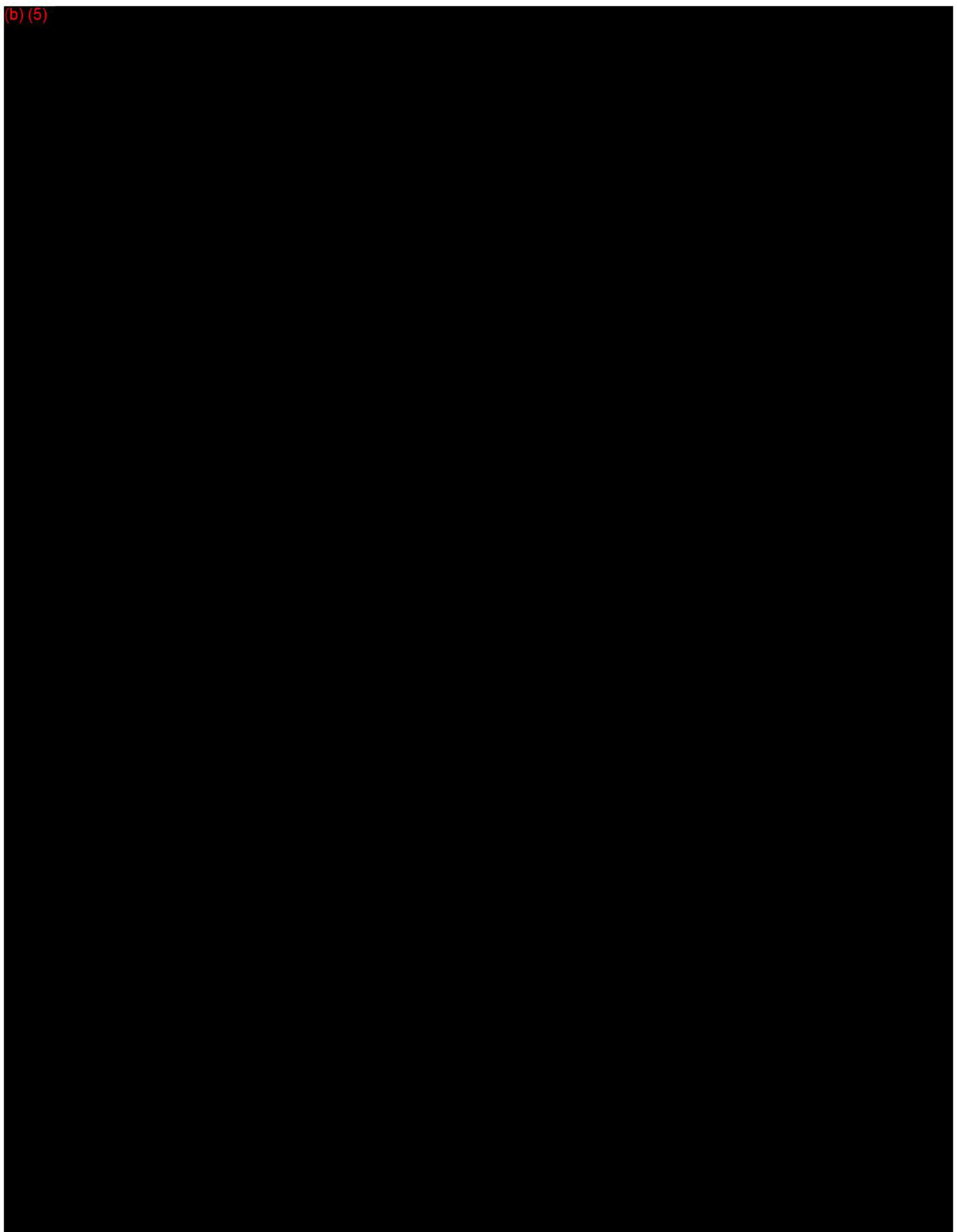


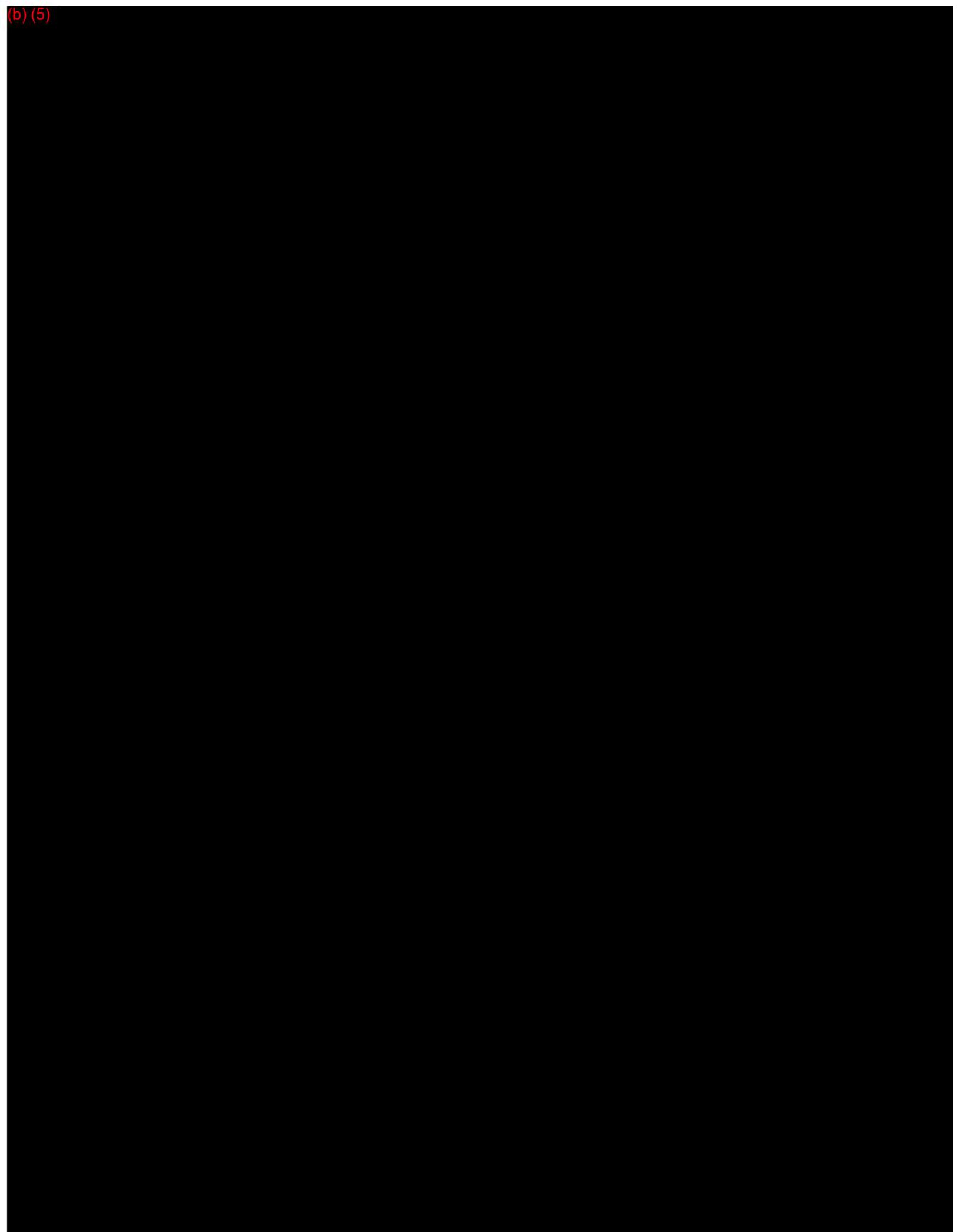
(b) (5)



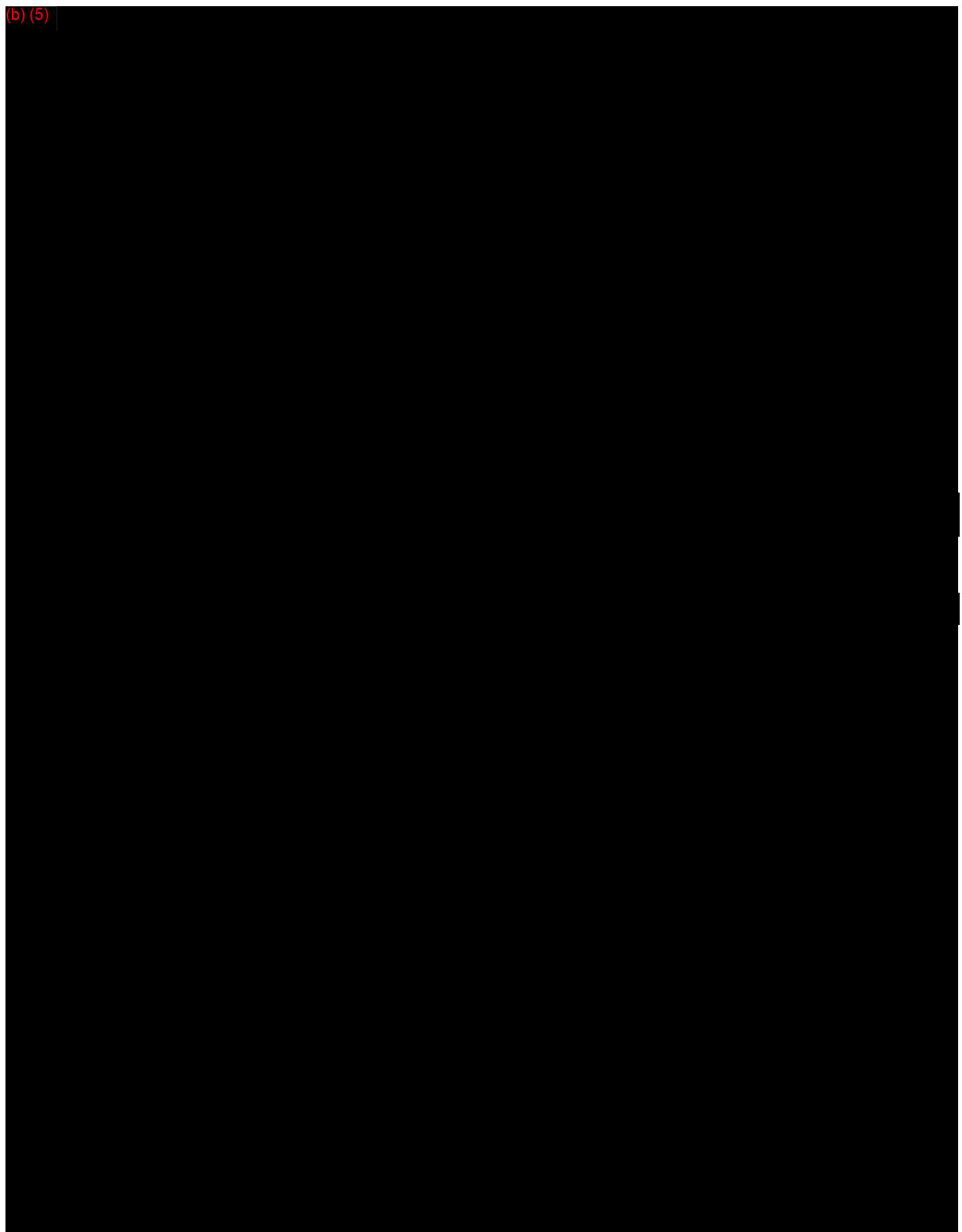


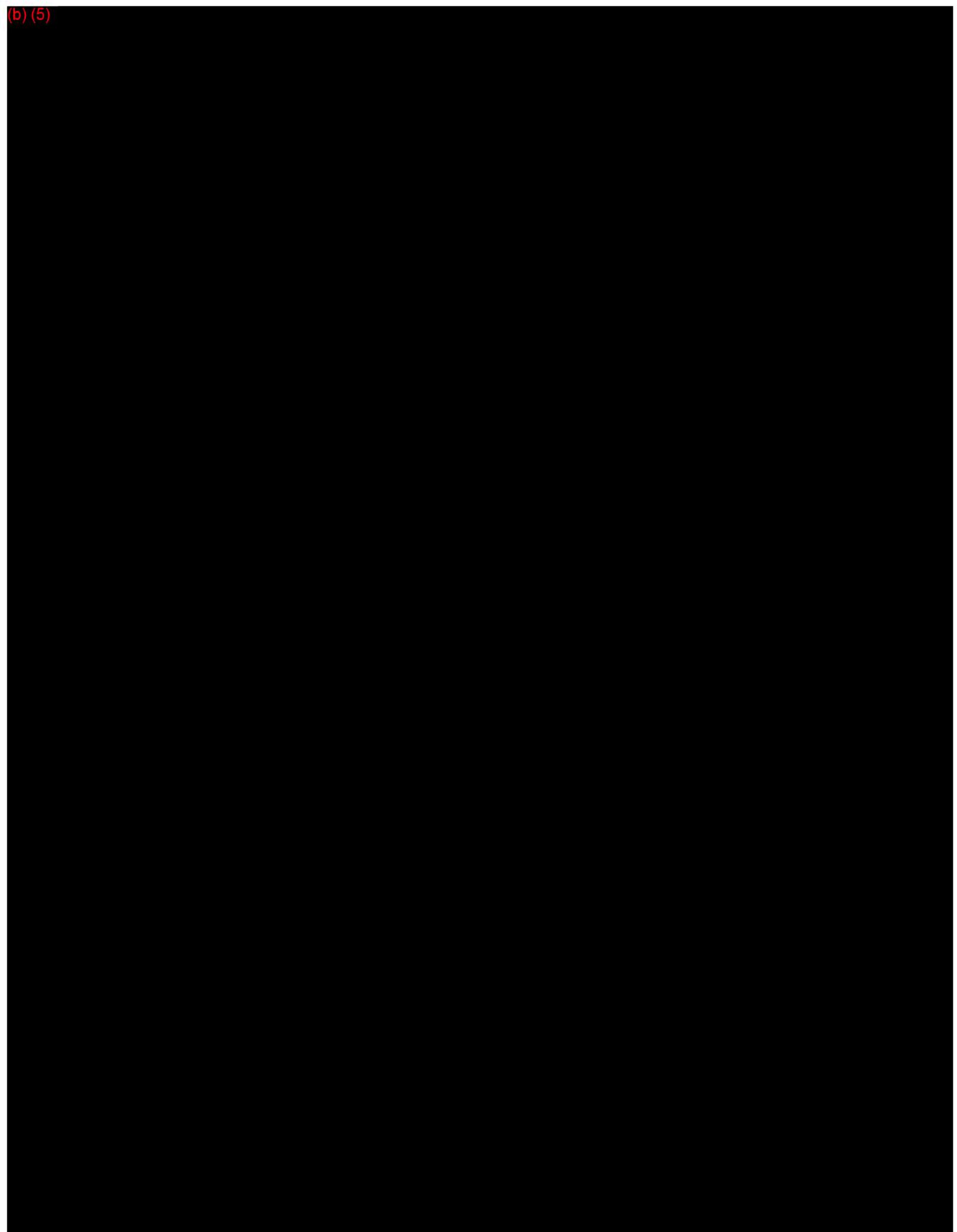
(b) (5)



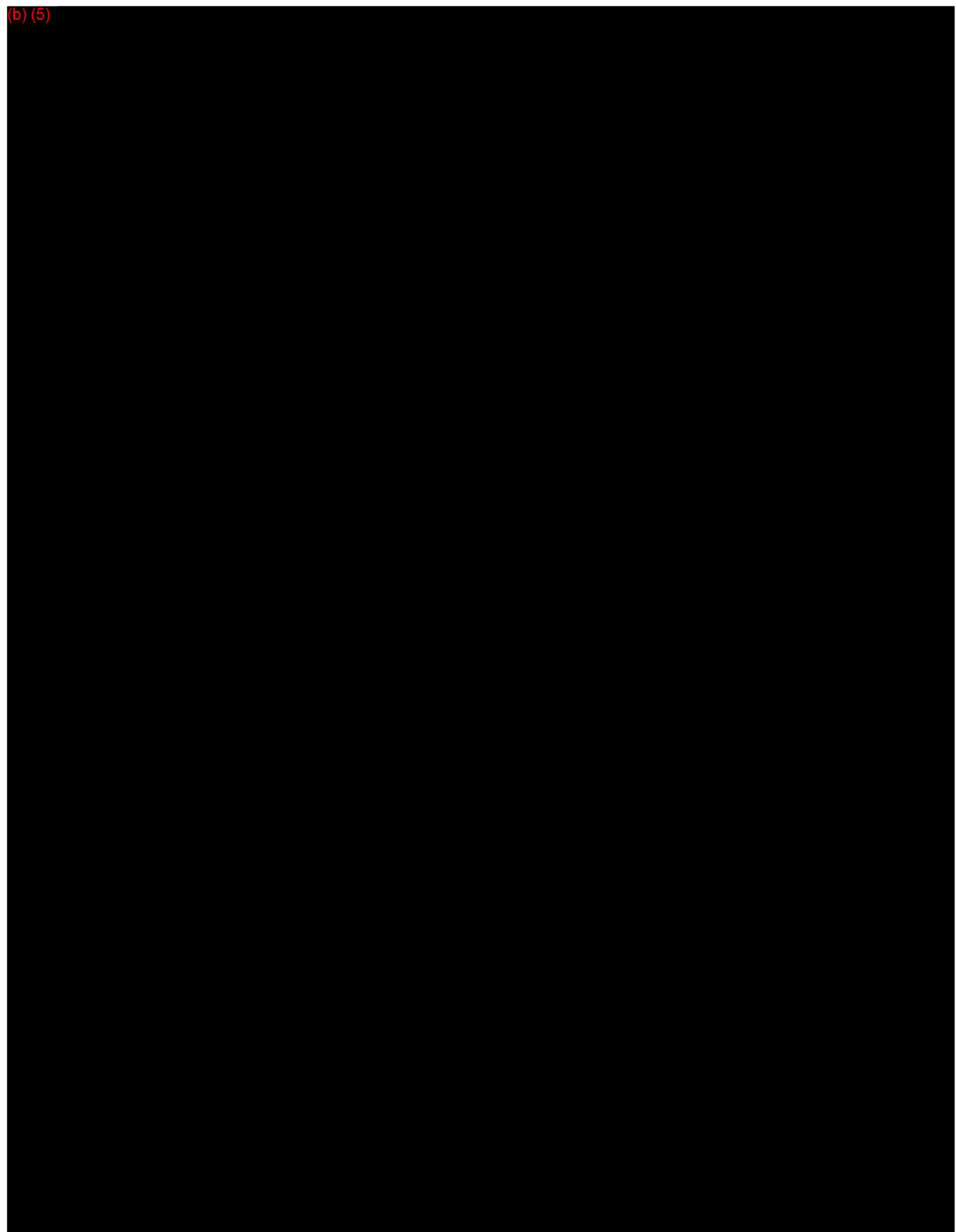


(b) (5)





(b) (5)



## RE: FYI: 3 Final Versions of the CEQ ANPRM

---

**From:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Cc:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Date:** Fri, 15 Jun 2018 11:40:43 -0400  
**Attachments:** CEQ NEPA ANPRM WebVersion REVISED REDLINE.DOCX (50.04 kB)

Attached in redline are proposed revisions to the disclaimer language.

Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Thursday, June 14, 2018 1:20 PM  
**To:** Pettigrew, Theresa L. EOP/CEQ <(b) (6)> Schneider, Daniel J. EOP/CEQ <(b) (6)>; Neumayr, Mary B. EOP/CEQ <(b) (6)>  
Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Cc:** Smith, Katherine R. EOP/CEQ <(b) (6)>  
**Subject:** FYI: 3 Final Versions of the CEQ ANPRM

All,

Please find attached 3 versions of CEQ's ANPRM titled, "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act." There are 3 different versions and I will explain the differences below:

- 1) **CEQ NEPA ANPRM\_ROCISVersion** – this was the version that was uploaded to OIRA's back-end system and will be how they conclude today (to show up as "concluded" tomorrow morning). This has a header stating that the document is "Draft, Deliberative ... 12866 Interagency Review ..."
- 2) **CEQ NEPA ANPRM\_WebVersion** – this is the version that should be posted on our website until the *Federal Register* version is published. This version has a disclaimer on the top of the first page and the bottom of every other page stating when the document was signed, by whom (Mary) and that it is not the official version. This language was cribbed from EPA's unofficial versions they post on their website.

- 3) **CEQ NEPA ANPRM\_FRVersion** – this is the version without any headers or footers and is the version that should be submitted to the *Federal Register* (by Howard) after the signature process is complete.

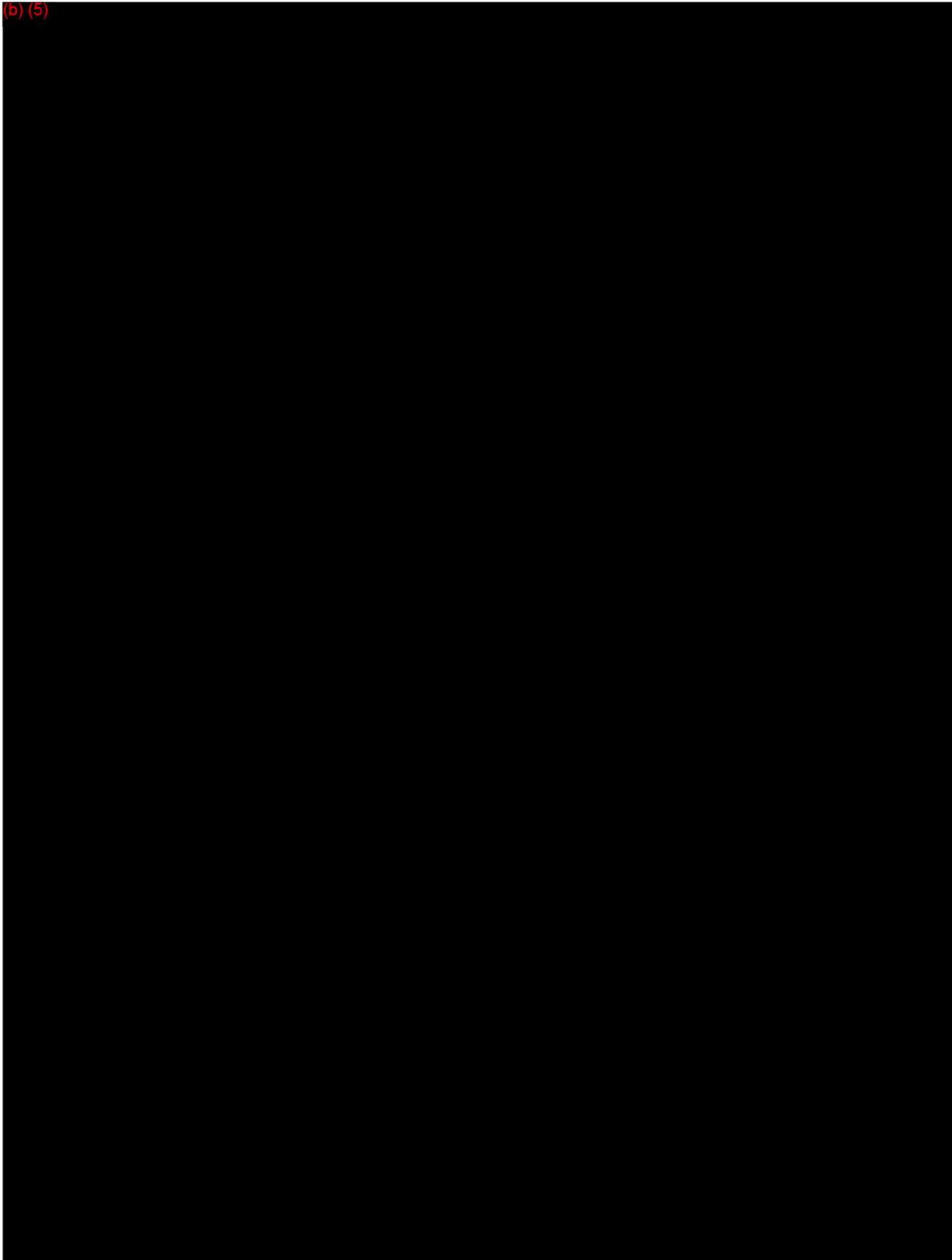
Please let me know if you have any questions or comments.

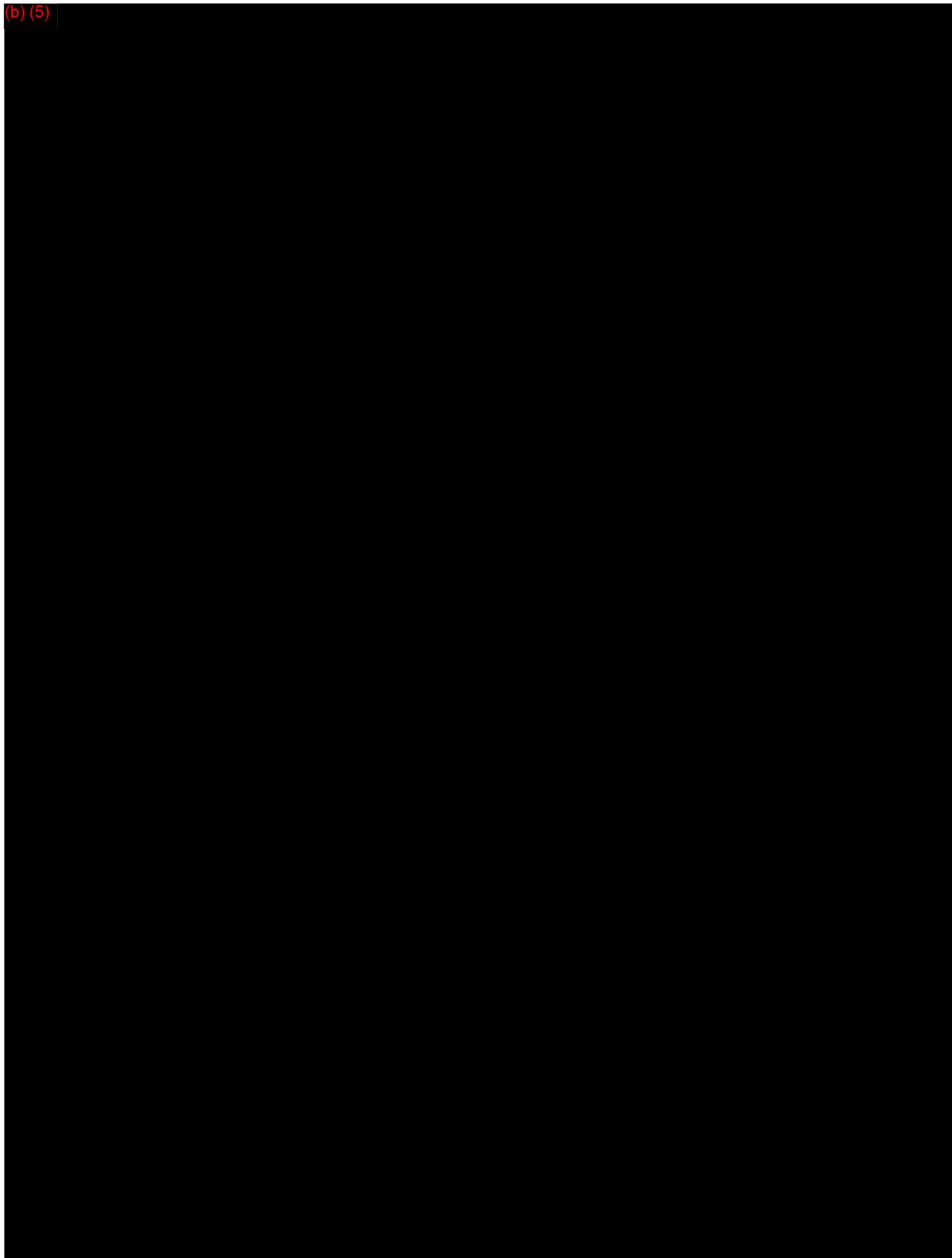
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality

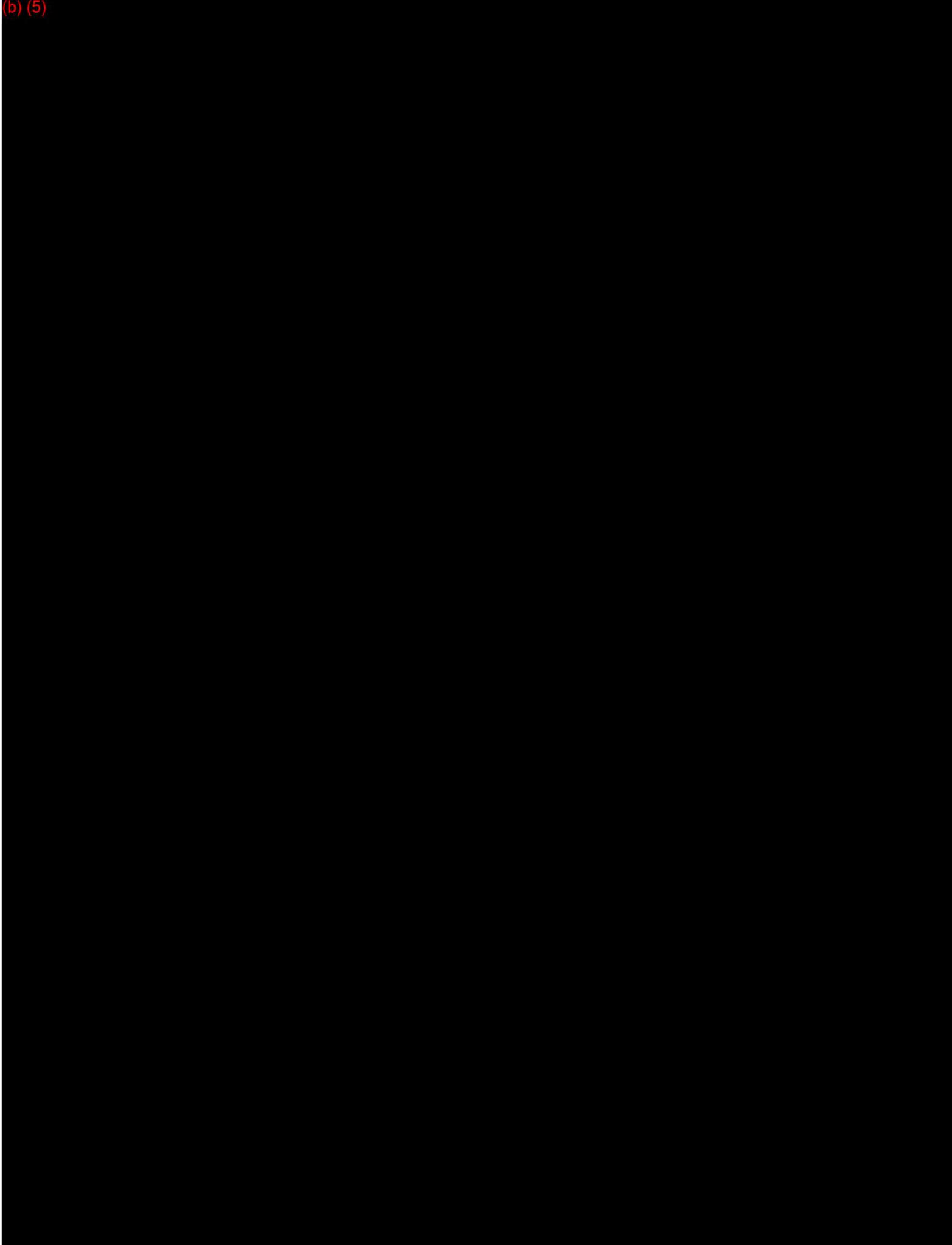
(b) (6) [Redacted] (Desk)

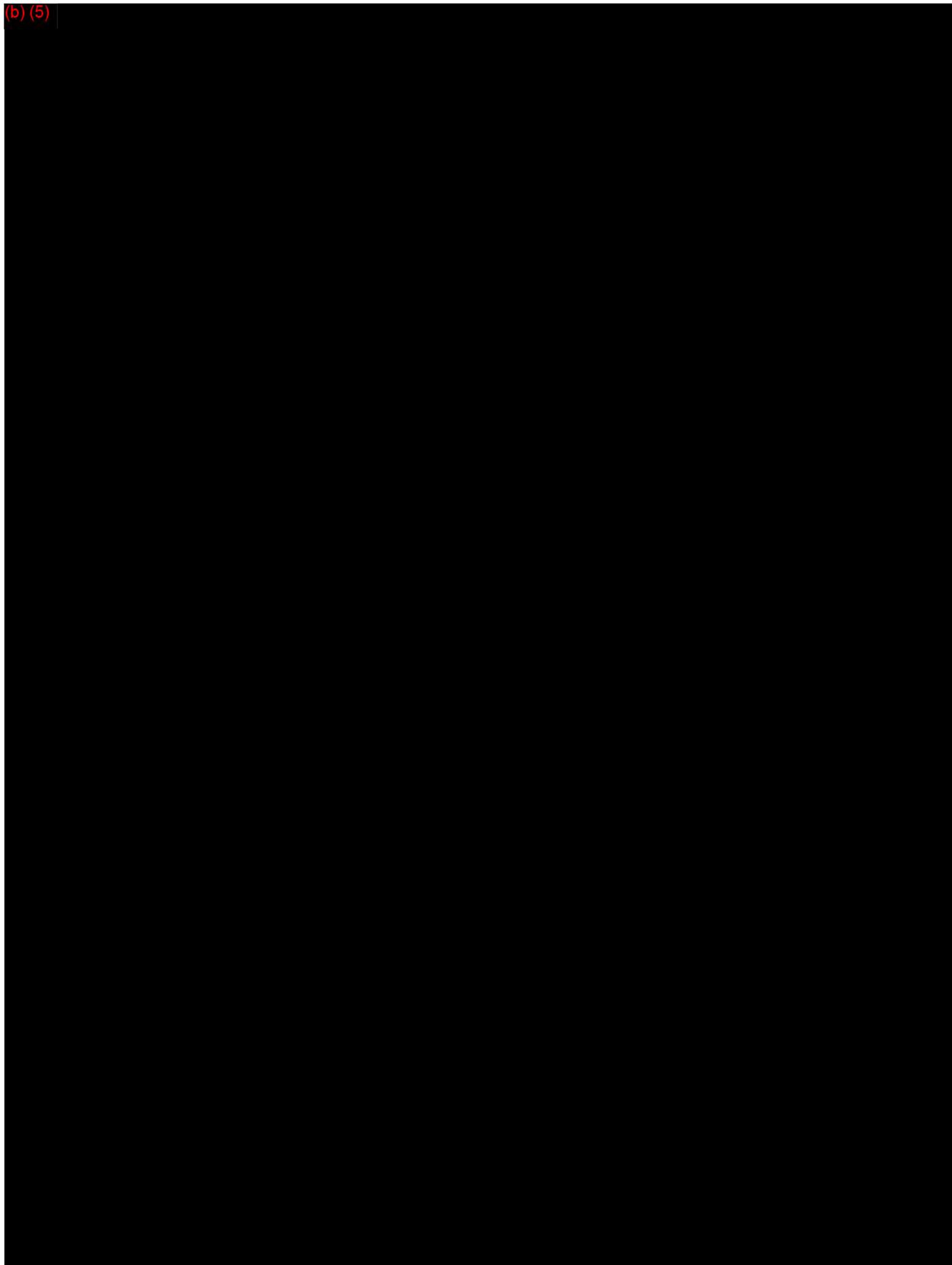
(b) (6) [Redacted] (Cell)

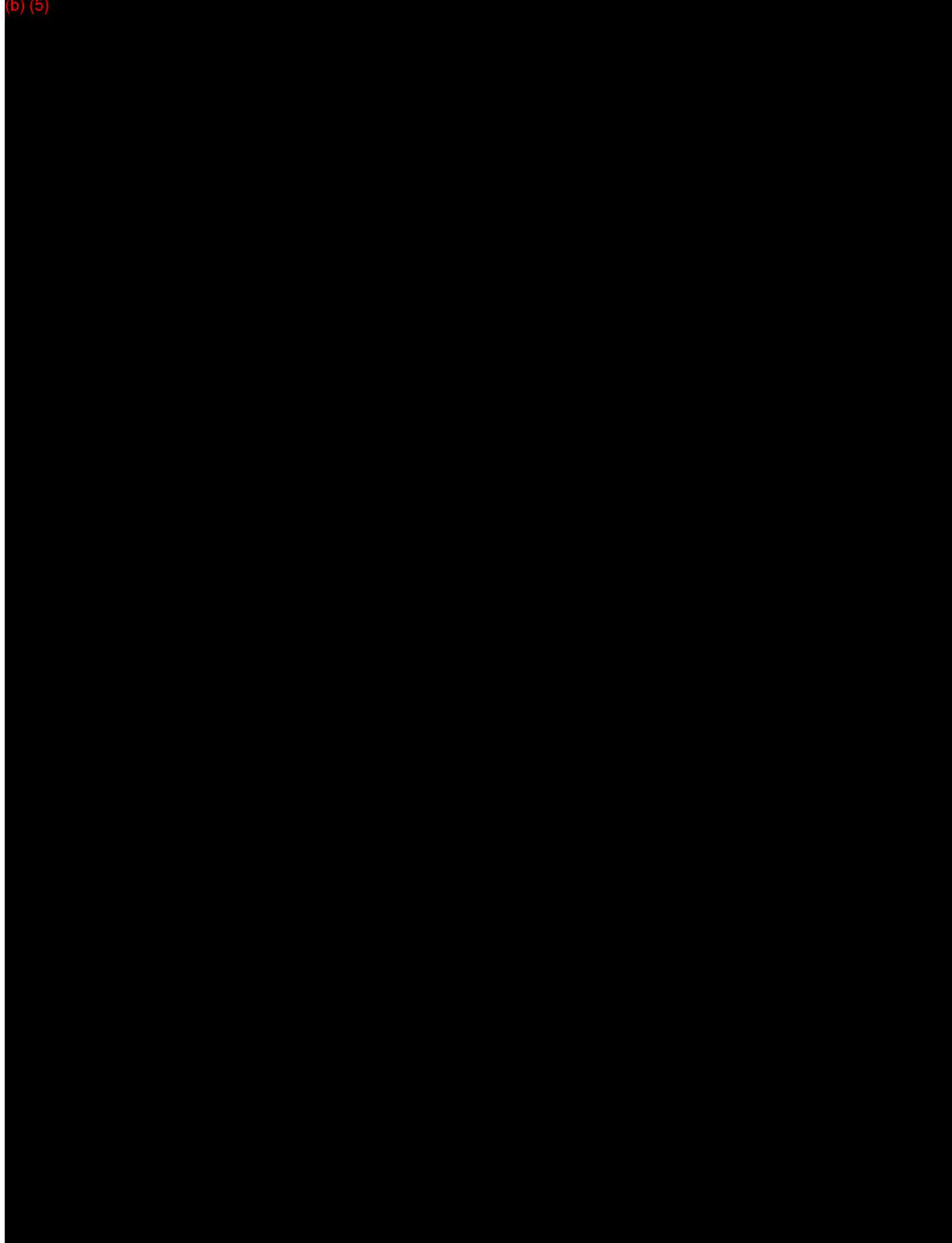
(b) (6) [Redacted]

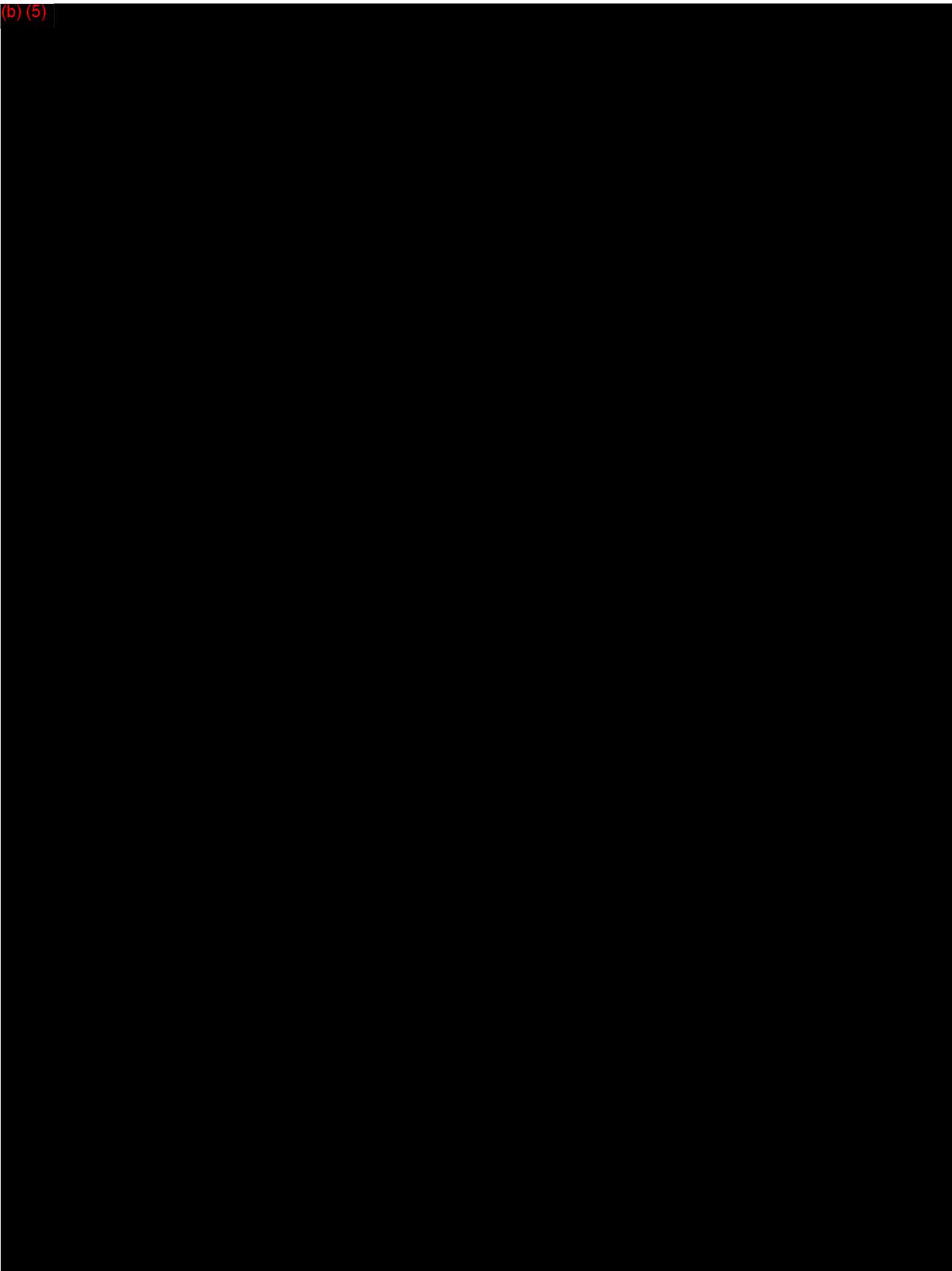


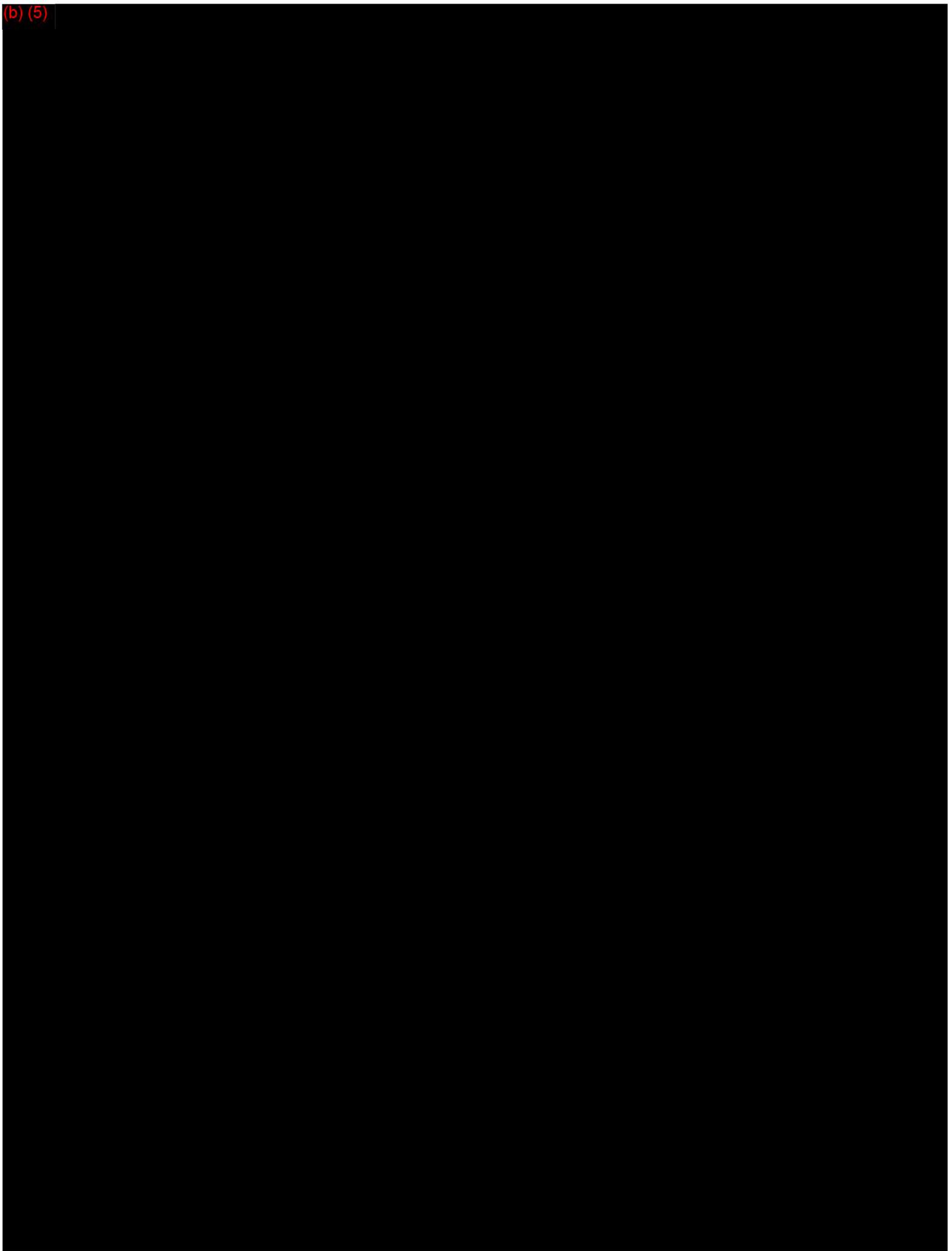


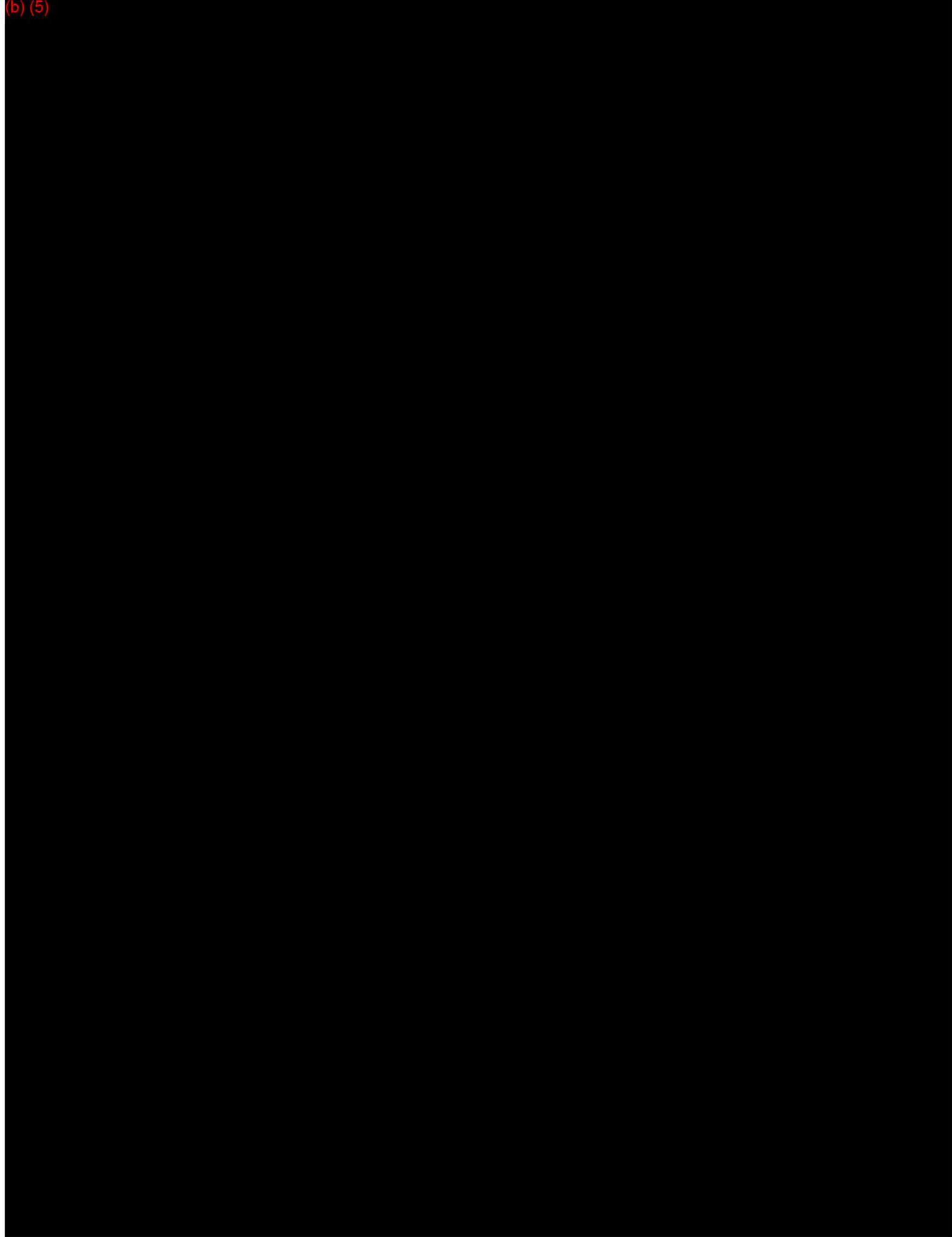


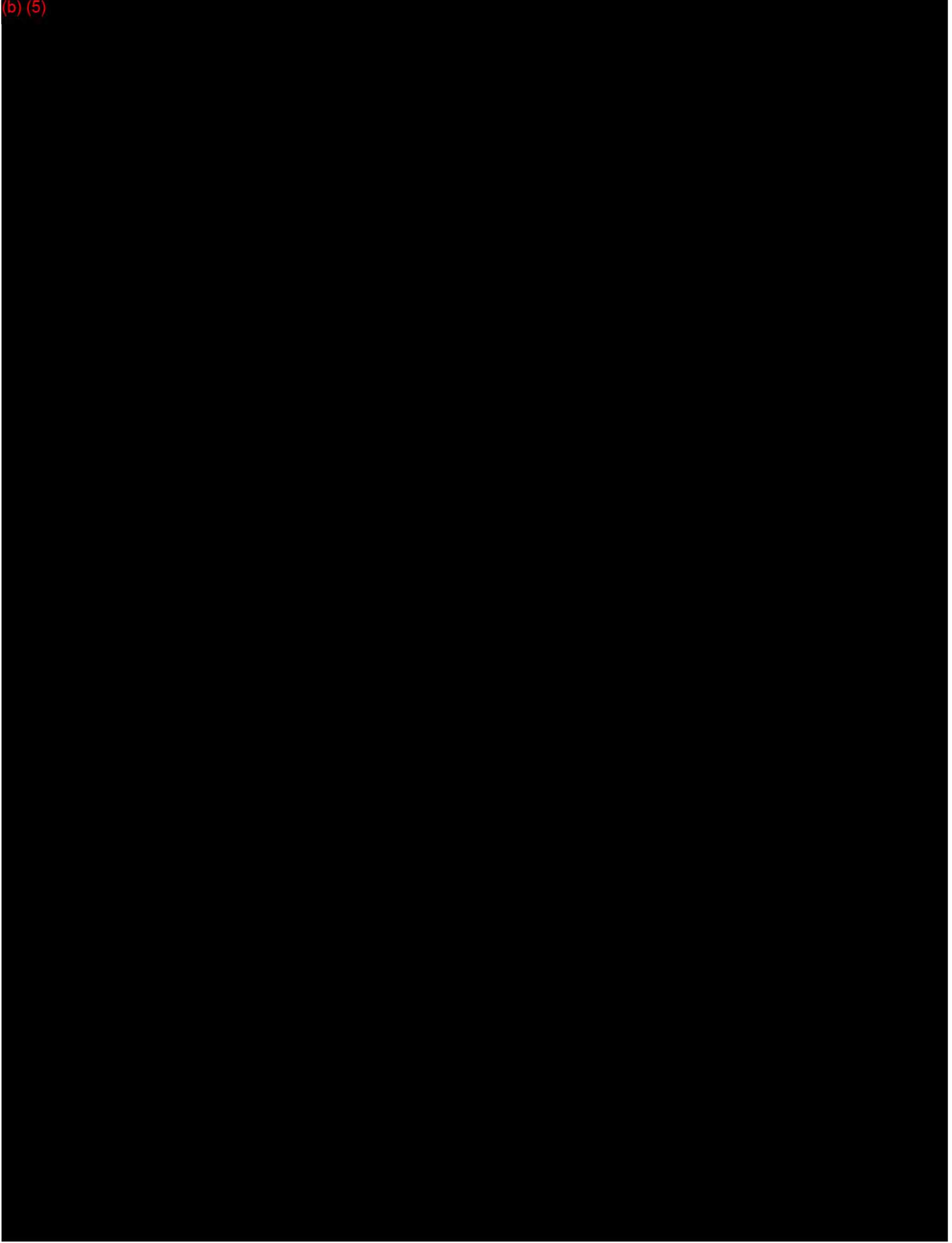












## Draft Email Announcing ANPRM

---

**From:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>

**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>

**Date:** Fri, 15 Jun 2018 16:59:22 -0400

---

Dear Colleagues,

On **June 15, 2018**, the Council on Environmental Quality (CEQ) submitted an Advance Notice of Proposed Rulemaking (ANPRM) titled "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act" to the *Federal Register* for publication and public comment. As a respected member of the NEPA community, I want to ensure that you are engaged early in the process as CEQ begins this historic undertaking.

I've attached a prepublication copy of the ANPRM for your reference, the official version will publish in the *Federal Register* next week. The ANPRM asks a series of 20 questions on the NEPA process, the scope of NEPA review, and other areas of interest related to NEPA. CEQ requests comment on potential revisions to update and clarify CEQ's NEPA regulations. Comments should be submitted on or before 30 days after the date of publication in the *Federal Register*. Once the ANPRM has published, comments may be submitted through <https://www.regulations.gov> by following the online instructions for submitting comments to Docket ID No. CEQ-2018-0001.

I would also like to take this opportunity to point out that next month marks the 50<sup>th</sup> anniversary of the Joint House-Senate colloquium on environmental issues organized by Senator Henry M. Jackson and out of which came the idea for NEPA. Please visit [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Unit1\\_03CongressWhitePaper1.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Unit1_03CongressWhitePaper1.pdf) for the Congressional White Paper on a National Environmental Policy which that resulted from the colloquium.

Sincerely,

## Re: OMB Concluded Review of CEQ NEPA ANPRM

---

**From:** "Boling, Ted A. EOP/CEQ" <"o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">

**To:** "Whiteman, Chad S. EOP/OMB" <(b) (6)>

**Date:** Fri, 15 Jun 2018 08:21:15 -0400

---

Thanks Chad!

Sent from my iPhone

On Jun 14, 2018, at 11:19 PM, Whiteman, Chad S. EOP/OMB <(b) (6)> wrote:

---

Hi CEQ Team,

This may be old news as I emailed Aaron earlier today, but I wanted to send a quick note that OMB concluded review this afternoon on CEQ's advanced notice of proposed rulemaking titled, "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," RIN 0331-AA03.

Best,  
Chad

Chad Whiteman  
Deputy Chief, Natural Resources and Environment Branch  
Office of Information and Regulatory Affairs  
Office of Management and Budget | Executive Office of the President  
202-395-4718

(b) (6)

## RE: Draft ANPRM distribution email

---

**From:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Cc:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 18 Jun 2018 11:30:26 -0400

Ted:

I left you a voicemail. If you want to call me when you are free, I should be at my desk. Thanks,  
Mary

Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

**From:** Boling, Ted A. EOP/CEQ  
**Sent:** Monday, June 18, 2018 10:17 AM  
**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)>  
**Cc:** Drummond, Michael R. EOP/CEQ <(b) (6)>  
**Subject:** Draft ANPRM distribution email

Mary – here’s the link to the pdf of the White Paper:

[https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Unit1\\_03CongressWhitePaper1.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Unit1_03CongressWhitePaper1.pdf)

The revised version of the distribution email, based on the latest ANPRM status, is below.

Dear Colleagues,

The Council on Environmental Quality (CEQ) has submitted an Advance Notice of Proposed Rulemaking (ANPRM) titled “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” to the *Federal Register* for publication and public comment. As a respected member of the NEPA community, I want to ensure that you are engaged early in the process as CEQ begins this undertaking.

I’ve attached a copy of the ANPRM for your reference, the official version will publish in the *Federal Register*. The ANPRM asks a series of 20 questions on the NEPA process, the scope of NEPA review, and other areas of interest related to NEPA. CEQ requests comment on potential revisions to update and clarify CEQ’s NEPA regulations. Comments should be submitted on or before [DATE] and should be submitted through <https://www.regulations.gov> by following the online instructions for submitting comments to Docket ID No. CEQ-2018-0001.

Next month marks the 50<sup>th</sup> anniversary of the Joint House-Senate colloquium on environmental issues that was an important development in the legislative history of NEPA. For the Congressional White Paper on a National Environmental Policy, which summarized from the colloquium, please visit [https://ceq.doe.gov/laws-regulations/nepa\\_legislative\\_history.html](https://ceq.doe.gov/laws-regulations/nepa_legislative_history.html).

Sincerely,  
Ted

Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

## RE: FR 2018-13246\_1644312 (2).docx

---

**From:** "Seale, Viktoria Z. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=af5f6888d706481b94d18088a30821c9-se">  
**To:** "Schneider, Daniel J. EOP/CEQ" <(b) (6)>  
**Cc:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 18 Jun 2018 13:42:31 -0400

One minor edit. Strike the "d" at the end of Advance.

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:41 PM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

Great. Thanks. Does this look okay for how it will be posted on website. Mary was good with this approach. It will be listed on the Initiatives Page at the bottom.

**Advanced Notice of Proposed Rulemaking: Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act & Fact Sheet (Pre-Publication Version, June 15, 2018)**

**From:** Seale, Viktoria Z. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:35 PM  
**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

Yes, just PDF it before posting on the website.

Thank you,

Viktoria

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:26 PM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** FW: FR 2018-13246\_1644312 (2).docx

Does this look correct to you? Want to triple check before I post on the website. Thanks!

---

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:04 PM  
**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

See attached for the final version with the modified disclaimer.

---

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Monday, June 18, 2018 11:13 AM  
**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

Are we posting with a disclaimer? I don't see one.

---

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Monday, June 18, 2018 11:04 AM  
**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Subject:** Fwd: FR 2018-13246\_1644312 (2).docx

This should be the final one.

Sent from my iPhone

Begin forwarded message:

**From:** "Sun, Howard C. EOP/CEQ" <(b) (6)>  
**Date:** June 18, 2018 at 9:53:33 AM EDT  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Subject:** FW: FR 2018-13246\_1644312 (2).docx

Aaron,

This is the last version out there, sent from OFR to CEQ. I told Chipp that we confirm, and Chipp said thanks.

Very Respectfully,  
Howard Sun  
Attorney Advisor  
Council on Environmental Quality  
Executive Office of the President  
Office: (b) (6)

---

**From:** Reid, Chipp (OFR) <creid@gpo.gov>  
**Sent:** Friday, June 15, 2018 3:39 PM  
**To:** Sun, Howard C. EOP/CEQ <(b) (6)>  
**Subject:** FR 2018-13246\_1644312 (2).docx

Howard

Attached is the new markup. If all looks good, please shoot me an email to that effect and I will schedule.

Chipp Reid

Writer/Editor

Office of the Federal Register

[creid@gpo.gov](mailto:creid@gpo.gov)

[chipp.reid@nara.gov](mailto:chipp.reid@nara.gov)

202-741-6007

## RE: FR 2018-13246 1644312 (2).docx

---

**From:** "Schneider, Daniel J. EOP/CEQ" <(b) (6)>  
**To:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Cc:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 18 Jun 2018 13:41:27 -0400

Great. Thanks. Does this look okay for how it will be posted on website. Mary was good with this approach. It will be listed on the Initiatives Page at the bottom.

Advanced Notice of Proposed Rulemaking: Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act & Fact Sheet (Pre-Publication Version, June 15, 2018)

---

**From:** Seale, Viktoria Z. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:35 PM  
**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

Yes, just PDF it before posting on the website.

Thank you,

Viktoria

---

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:26 PM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** FW: FR 2018-13246\_1644312 (2).docx

Does this look correct to you? Want to triple check before I post on the website. Thanks!

---

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:04 PM  
**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

See attached for the final version with the modified disclaimer.

---

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Monday, June 18, 2018 11:13 AM

**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

Are we posting with a disclaimer? I don't see one.

---

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Monday, June 18, 2018 11:04 AM  
**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Subject:** Fwd: FR 2018-13246\_1644312 (2).docx

This should be the final one.

Sent from my iPhone

Begin forwarded message:

**From:** "Sun, Howard C. EOP/CEQ" <(b) (6)>  
**Date:** June 18, 2018 at 9:53:33 AM EDT  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Subject:** FW: FR 2018-13246\_1644312 (2).docx

Aaron,

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Very Respectfully,  
Howard Sun  
Attorney Advisor  
Council on Environmental Quality  
Executive Office of the President  
Office: (b) (6)

---

**From:** Reid, Chipp (OFR) <[creid@gpo.gov](mailto:creid@gpo.gov)>  
**Sent:** Friday, June 15, 2018 3:39 PM  
**To:** Sun, Howard C. EOP/CEQ <(b) (6)>  
**Subject:** FR 2018-13246\_1644312 (2).docx

Howard

Attached is the new markup. If all looks good, please shoot me an email to that effect and I will schedule.

Chipp Reid  
Writer/Editor  
Office of the Federal Register  
[creid@gpo.gov](mailto:creid@gpo.gov)

[chipp.reid@nara.gov](mailto:chipp.reid@nara.gov)  
202-741-6007

## FW: FR 2018-13246\_1644312 (2).docx

---

**From:** "Schneider, Daniel J. EOP/CEQ" <(b) (6)>  
**To:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Cc:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 18 Jun 2018 13:25:30 -0400  
**Attachments:** CEQ NEPA ANPRM\_WebVersion.docx (45.01 kB)

Does this look correct to you? Want to triple check before I post on the website. Thanks!

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:04 PM  
**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

See attached for the final version with the modified disclaimer.

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Monday, June 18, 2018 11:13 AM  
**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

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**Subject:** Fwd: FR 2018-13246\_1644312 (2).docx

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Howard Sun  
Attorney Advisor  
Council on Environmental Quality  
Executive Office of the President  
Office: (b) (6)

**From:** Reid, Chipp (OFR) <[creid@gpo.gov](mailto:creid@gpo.gov)>  
**Sent:** Friday, June 15, 2018 3:39 PM  
**To:** Sun, Howard C. EOP/CEQ <(b) (6)>  
**Subject:** FR 2018-13246\_1644312 (2).docx

Howard  
Attached is the new markup. If all looks good, please shoot me an email to that effect and I will schedule.

Chipp Reid  
Writer/Editor  
Office of the Federal Register  
[creid@gpo.gov](mailto:creid@gpo.gov)  
[chipp.reid@nara.gov](mailto:chipp.reid@nara.gov)  
202-741-6007

The Council on Environmental Quality's Chief of Staff signed the following Federal Register document on June 15, 2018. This is a prepublication version that CEQ is submitting for publication in the Federal Register (FR). While the Agency has taken steps to ensure the accuracy of this prepublication version of the notice, it is not the official version of the document for purposes of public comment. Please refer to the official version of the notice in a forthcoming FR publication, which will appear on the Government Printing Office's FDSys website (<http://gpo.gov/fdsys/search/home.action>) and on Regulations.gov (<http://www.regulations.gov>) in Docket No. CEQ-2018-0001. Once the official version of this document is published in the FR, this prepublication version will be replaced with a link to the official version.

[3225-F8]

## **COUNCIL ON ENVIRONMENTAL QUALITY**

### **40 CFR Parts 1500-1508**

[Docket No. CEQ-2018-0001]

RIN: 0331-AA03

### **Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act**

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations substantively only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

**DATES:** Comments should be submitted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number CEQ-2018-0001 through the Federal eRulemaking portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place, N.W., Washington, DC 20503. Telephone: (202) 395-5750.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq., was enacted in 1970. NEPA states that “it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” 42 U.S.C. § 4331(a). NEPA also established CEQ as an agency within the Executive Office of the President. 42 U.S.C. § 4342.

By Executive Order (E.O.) 11514, “Protection and Enhancement of Environmental Quality” (March 5, 1970), President Nixon directed CEQ in Section 3(h) to issue “guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required

Page [APG] of [ANP]

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by section 102(2)(C) of the Act.” CEQ published these guidelines in April of 1970 and revised them in 1973.

President Carter issued E.O. 11991 (May 24, 1977), “Relating to Protection and Enhancement of Environmental Quality,” which amended Section 3(h) of E.O. 11514 to direct CEQ to issue regulations providing uniform standards for the implementation of NEPA, and amended Section 2 of E.O. 11514 to require agency compliance with the CEQ regulations. CEQ promulgated its “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” (CEQ’s NEPA regulations) at 40 CFR parts 1500-1508. 43 FR 55978 (November 29, 1978). Since that time, CEQ has amended its NEPA regulations substantively only once, to eliminate the “worst case” analysis requirement of 40 CFR 1502.22. 51 FR 15618 (April 25, 1986).

On August 15, 2017, President Trump issued E.O. 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.” 82 FR 40463 (August 24, 2017). Section 5(e) of E.O. 13807 directed CEQ to develop an initial list of actions to enhance and modernize the Federal environmental review and authorization process. In response, CEQ published its initial list of actions pursuant to E.O. 13807 and stated that it intends to review its existing NEPA regulations in order to identify changes needed to update and clarify these regulations. 82 FR 43226 (September 14, 2017).

## **II. Request for Comment**

CEQ requests comments on potential revisions to update and clarify CEQ NEPA regulations. In particular, CEQ requests comments on the following specific aspects of these regulations, and requests that commenters include question numbers when

Page [APG] of [ANP]

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providing responses. Where possible, please provide specific recommendations on additions, deletions, and modifications to the text of CEQ's NEPA regulations and their justifications.

***NEPA Process:***

1. Should CEQ's NEPA regulations be revised to ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?
2. Should CEQ's NEPA regulations be revised to make the NEPA process more efficient by better facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?
3. Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

***Scope of NEPA Review:***

4. Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?
5. Should CEQ's NEPA regulations be revised to provide greater clarity to ensure NEPA documents better focus on significant issues that are relevant and useful to decisionmakers and the public, and if so, how?
6. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?

Page [APG] of [ANP]

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7. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised, and if so, how?
  - a. Major Federal Action;
  - b. Effects;
  - c. Cumulative Impact;
  - d. Significantly;
  - e. Scope; and
  - f. Other NEPA terms.
  
8. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?
  - a. Alternatives;
  - b. Purpose and Need;
  - c. Reasonably Foreseeable;
  - d. Trivial Violation; and
  - e. Other NEPA terms.
  
9. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?
  - a. Notice of Intent;
  - b. Categorical Exclusions Documentation;
  - c. Environmental Assessments;
  - d. Findings of No Significant Impact;
  - e. Environmental Impact Statements;
  - f. Records of Decision; and

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g. Supplements.

10. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?
11. Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?
12. Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised, and if so, how?
13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

***General:***

14. Are any provisions of the CEQ's NEPA regulations currently obsolete? If so, please provide specific recommendations on whether they should be modified, rescinded, or replaced.
15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient?
16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization decisions, such as combining NEPA analysis and other decision documents, and if so, how?
17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?

Page [APG] of [ANP]

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18. Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations, and if so, how?
19. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, and if so, how?
20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

(Authority: 42 U.S.C. 4332, 4342, 4344 and 40 CFR Parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508)

### **III. Statutory and Executive Order Reviews**

Under E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993), this is a "significant regulatory action." Accordingly, CEQ submitted this action to the Office of Management and Budget (OMB) for review under E.O. 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, and instead seeks comments and suggestions for CEQ to consider in possibly developing a subsequent proposed rule, the various statutes and executive orders that normally apply to rulemaking do not apply in this case. If CEQ decides in the future to pursue a rulemaking, CEQ will address the statutes and executive orders applicable to that rulemaking at that time.

Mary B. Neumayr,

*Chief of Staff, Council on Environmental Quality.*

Page [APG] of [ANP]

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## RE: FR 2018-13246\_1644312 (2).docx

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**From:** "Szabo, Aaron L. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=f93a8d1dd2b4420ca81e53ff8199b780-sz">  
**To:** "Schneider, Daniel J. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 18 Jun 2018 13:04:08 -0400  
**Attachments:** CEQ NEPA ANPRM WebVersion.docx (45.01 kB)

See attached for the final version with the modified disclaimer.

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Monday, June 18, 2018 11:13 AM  
**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

Are we posting with a disclaimer? I don't see one.

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Monday, June 18, 2018 11:04 AM  
**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Subject:** Fwd: FR 2018-13246\_1644312 (2).docx

This should be the final one.

Sent from my iPhone

Begin forwarded message:

**From:** "Sun, Howard C. EOP/CEQ" <(b) (6)>  
**Date:** June 18, 2018 at 9:53:33 AM EDT  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Subject:** FW: FR 2018-13246\_1644312 (2).docx

Aaron,

This is the last version out there, sent from OFR to CEQ. I told Chipp that we confirm, and Chipp said thanks.

Very Respectfully,  
Howard Sun

Attorney Advisor  
Council on Environmental Quality  
Executive Office of the President  
Office: (b) (6)

**From:** Reid, Chipp (OFR) <[creid@gpo.gov](mailto:creid@gpo.gov)>  
**Sent:** Friday, June 15, 2018 3:39 PM  
**To:** Sun, Howard C. EOP/CEQ <(b) (6)>  
**Subject:** FR 2018-13246\_1644312 (2).docx

Howard  
Attached is the new markup. If all looks good, please shoot me an email to that effect and I will schedule.

Chipp Reid  
Writer/Editor  
Office of the Federal Register  
[creid@gpo.gov](mailto:creid@gpo.gov)  
[chipp.reid@nara.gov](mailto:chipp.reid@nara.gov)  
202-741-6007

The Council on Environmental Quality's Chief of Staff signed the following Federal Register document on June 15, 2018. This is a prepublication version that CEQ is submitting for publication in the Federal Register (FR). While the Agency has taken steps to ensure the accuracy of this prepublication version of the notice, it is not the official version of the document for purposes of public comment. Please refer to the official version of the notice in a forthcoming FR publication, which will appear on the Government Printing Office's FDSys website (<http://gpo.gov/fdsys/search/home.action>) and on Regulations.gov (<http://www.regulations.gov>) in Docket No. CEQ-2018-0001. Once the official version of this document is published in the FR, this prepublication version will be replaced with a link to the official version.

[3225-F8]

## **COUNCIL ON ENVIRONMENTAL QUALITY**

### **40 CFR Parts 1500-1508**

**[Docket No. CEQ-2018-0001]**

**RIN:** 0331-AA03

### **Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act**

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations substantively only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

**DATES:** Comments should be submitted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number CEQ-2018-0001 through the Federal eRulemaking portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place, N.W., Washington, DC 20503. Telephone: (202) 395-5750.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq., was enacted in 1970. NEPA states that “it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” 42 U.S.C. § 4331(a). NEPA also established CEQ as an agency within the Executive Office of the President. 42 U.S.C. § 4342.

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President Carter issued E.O. 11991 (May 24, 1977), “Relating to Protection and Enhancement of Environmental Quality,” which amended Section 3(h) of E.O. 11514 to direct CEQ to issue regulations providing uniform standards for the implementation of NEPA, and amended Section 2 of E.O. 11514 to require agency compliance with the CEQ regulations. CEQ promulgated its “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” (CEQ’s NEPA regulations) at 40 CFR parts 1500-1508. 43 FR 55978 (November 29, 1978). Since that time, CEQ has amended its NEPA regulations substantively only once, to eliminate the “worst case” analysis requirement of 40 CFR 1502.22. 51 FR 15618 (April 25, 1986).

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## **II. Request for Comment**

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20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

(Authority: 42 U.S.C. 4332, 4342, 4344 and 40 CFR Parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508)

### **III. Statutory and Executive Order Reviews**

Under E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993), this is a "significant regulatory action." Accordingly, CEQ submitted this action to the Office of Management and Budget (OMB) for review under E.O. 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, and instead seeks comments and suggestions for CEQ to consider in possibly developing a subsequent proposed rule, the various statutes and executive orders that normally apply to rulemaking do not apply in this case. If CEQ decides in the future to pursue a rulemaking, CEQ will address the statutes and executive orders applicable to that rulemaking at that time.

Mary B. Neumayr,

*Chief of Staff, Council on Environmental Quality.*

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## **Council on Environmental Quality Requests Public Comment on Potential Revisions to Update National Environment Policy Act Regulations**

On June 15, 2018, the Council on Environmental Quality (CEQ) submitted an Advance Notice of Proposed Rulemaking (ANPRM) titled “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” to the *Federal Register* for publication and public comment.

### **Background:**

- On August 15, 2017, President Trump issued [Executive Order 13807](#) which directed CEQ to develop an initial list of actions it would take to enhance and modernize the Federal environmental review and authorization process.
- In its [initial list of actions](#) published in the *Federal Register* on September 14, 2017, CEQ stated that it intended to review its 1978 regulations implementing the procedural requirements of the National Environmental Policy Act (NEPA) in order to identify potential updates and clarifications to those regulations.
- Over the past four decades, CEQ has issued numerous guidance documents but has amended its NEPA regulations substantively only once in 1986. Given the length of time since those regulations were issued, CEQ has determined it appropriate to solicit public comment on potential revisions to update the regulations.

### **Request for Public Comment:**

- CEQ requests comment on potential revisions to update and clarify CEQ’s NEPA regulations. Comments should be submitted on or before 30 days after the date of publication in the *Federal Register*. To comment, go to <https://www.regulations.gov> and follow the online instructions for submitting comments to Docket ID No. CEQ-2018-0001.
- Through a series of 20 questions, CEQ is requesting comments on provisions of the regulations related to the NEPA process and the scope of NEPA review.

### **Next Steps:**

- Following the conclusion of the public comment period, CEQ will review the comments before taking any potential further action.

## ANPRM Website Links

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**From:** "Schneider, Daniel J. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
"Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ"  
**Cc:** <(b) (6)> "Boling, Ted A. EOP/CEQ"  
<(b) (6)> "Drummond, Michael R. EOP/CEQ"  
<(b) (6)>  
**Date:** Mon, 18 Jun 2018 15:49:23 -0400

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Prepublication Text: [https://www.whitehouse.gov/wp-content/uploads/2017/11/CEQ-NEPA-ANPRM\\_WebVersion-20180615.pdf](https://www.whitehouse.gov/wp-content/uploads/2017/11/CEQ-NEPA-ANPRM_WebVersion-20180615.pdf)

Fact Sheet: <https://www.whitehouse.gov/wp-content/uploads/2017/11/FINAL-ANPRM-Fact-Sheet-20180615.pdf>

CEQ Webpage Link: <https://www.whitehouse.gov/ceq/initiatives/>

Dan

Dan Schneider  
Associate Director for Communications  
Council on Environmental Quality  
Executive Office of the President  
(b) (6) (desk)  
(b) (6)  
[www.whitehouse.gov/ceq](http://www.whitehouse.gov/ceq)

## FW: FR 2018-13246\_1644312 (2).docx

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**From:** "Boling, Ted A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">  
**To:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 18 Jun 2018 13:47:34 -0400

**From:** Seale, Viktoria Z. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:43 PM  
**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

One minor edit. Strike the "d" at the end of Advance.

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:41 PM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

Great. Thanks. Does this look okay for how it will be posted on website. Mary was good with this approach. It will be listed on the Initiatives Page at the bottom.

Advanced Notice of Proposed Rulemaking: Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act & Fact Sheet (Pre-Publication Version, June 15, 2018)

**From:** Seale, Viktoria Z. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:35 PM  
**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

Yes, just PDF it before posting on the website.

Thank you,

Viktoria

---

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:26 PM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** FW: FR 2018-13246\_1644312 (2).docx

Does this look correct to you? Want to triple check before I post on the website. Thanks!

---

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:04 PM  
**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

See attached for the final version with the modified disclaimer.

---

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Monday, June 18, 2018 11:13 AM  
**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

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Aaron,

This is the last version out there, sent from OFR to CEQ. I told Chipp that we confirm, and Chipp said thanks.

Very Respectfully,  
Howard Sun  
Attorney Advisor  
Council on Environmental Quality

Executive Office of the President

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**From:** Reid, Chipp (OFR) <[creid@gpo.gov](mailto:creid@gpo.gov)>

**Sent:** Friday, June 15, 2018 3:39 PM

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**Subject:** FR 2018-13246\_1644312 (2).docx

Howard

Attached is the new markup. If all looks good, please shoot me an email to that effect and I will schedule.

Chipp Reid

Writer/Editor

Office of the Federal Register

[creid@gpo.gov](mailto:creid@gpo.gov)

[chipp.reid@nara.gov](mailto:chipp.reid@nara.gov)

202-741-6007

## RE: FR 2018-13246\_1644312 (2).docx

---

**From:** "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**To:** "Schneider, Daniel J. EOP/CEQ" <(b) (6)>  
**Cc:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 18 Jun 2018 13:42:32 -0400

One minor edit. Strike the "d" at the end of Advance.

---

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:41 PM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

Great. Thanks. Does this look okay for how it will be posted on website. Mary was good with this approach. It will be listed on the Initiatives Page at the bottom.

Advanced Notice of Proposed Rulemaking: Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act & Fact Sheet (Pre-Publication Version, June 15, 2018)

---

**From:** Seale, Viktoria Z. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:35 PM  
**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

Yes, just PDF it before posting on the website.

Thank you,

Viktoria

---

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:26 PM  
**To:** Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** FW: FR 2018-13246\_1644312 (2).docx

Does this look correct to you? Want to triple check before I post on the website. Thanks!

---

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Monday, June 18, 2018 1:04 PM  
**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

See attached for the final version with the modified disclaimer.

---

**From:** Schneider, Daniel J. EOP/CEQ  
**Sent:** Monday, June 18, 2018 11:13 AM  
**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Subject:** RE: FR 2018-13246\_1644312 (2).docx

Are we posting with a disclaimer? I don't see one.

---

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Monday, June 18, 2018 11:04 AM  
**To:** Schneider, Daniel J. EOP/CEQ <(b) (6)>  
**Subject:** Fwd: FR 2018-13246\_1644312 (2).docx

This should be the final one.

Sent from my iPhone

Begin forwarded message:

**From:** "Sun, Howard C. EOP/CEQ" <(b) (6)>  
**Date:** June 18, 2018 at 9:53:33 AM EDT  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Subject:** FW: FR 2018-13246\_1644312 (2).docx

Aaron,

This is the last version out there, sent from OFR to CEQ. I told Chipp that we confirm, and Chipp said thanks.

Very Respectfully,  
Howard Sun  
Attorney Advisor  
Council on Environmental Quality  
Executive Office of the President  
Office: (b) (6)

---

**From:** Reid, Chipp (OFR) <[creid@gpo.gov](mailto:creid@gpo.gov)>  
**Sent:** Friday, June 15, 2018 3:39 PM  
**To:** Sun, Howard C. EOP/CEQ <(b) (6)>  
**Subject:** FR 2018-13246\_1644312 (2).docx

Howard

Attached is the new markup. If all looks good, please shoot me an email to that effect and I will schedule.

Chipp Reid

Writer/Editor

Office of the Federal Register

[creid@gpo.gov](mailto:creid@gpo.gov)

[chipp.reid@nara.gov](mailto:chipp.reid@nara.gov)

202-741-6007

## Draft ANPRM distribution email

---

**From:** "Boling, Ted A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Cc:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 18 Jun 2018 10:17:05 -0400

---

Mary – here’s the link to the pdf of the White Paper:

[https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Unit1\\_03CongressWhitePaper1.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Unit1_03CongressWhitePaper1.pdf)

The revised version of the distribution email, based on the latest ANPRM status, is below.

Dear Colleagues,

The Council on Environmental Quality (CEQ) has submitted an Advance Notice of Proposed Rulemaking (ANPRM) titled “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” to the *Federal Register* for publication and public comment. As a respected member of the NEPA community, I want to ensure that you are engaged early in the process as CEQ begins this undertaking.

I’ve attached a copy of the ANPRM for your reference, the official version will publish in the *Federal Register*. The ANPRM asks a series of 20 questions on the NEPA process, the scope of NEPA review, and other areas of interest related to NEPA. CEQ requests comment on potential revisions to update and clarify CEQ’s NEPA regulations. Comments should be submitted on or before [DATE] and should be submitted through <https://www.regulations.gov> by following the online instructions for submitting comments to Docket ID No. CEQ-2018-0001.

Next month marks the 50<sup>th</sup> anniversary of the Joint House-Senate colloquium on environmental issues that was an important development in the legislative history of NEPA. For the Congressional White Paper on a National Environmental Policy, which summarized from the colloquium, please visit [https://ceq.doe.gov/laws-regulations/nepa\\_legislative\\_history.html](https://ceq.doe.gov/laws-regulations/nepa_legislative_history.html).

Sincerely,  
Ted

Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

## [EXTERNAL] RE: CEQ NEPA Regulations ANPRM

---

**From:** "Boose, Brian" <brian.boose@aecom.com>

**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>

**Date:** Tue, 19 Jun 2018 15:11:38 -0400

Ted:

These are 20 excellent questions. I think AECOM will be responding to them singularly, yet TBD. We very much look forward to providing some collective thoughts and ideas at this pivotal, potentially evolutionary time in the art and science of our practice.

Thank you for sending! Brian

### **Brian W. Boose, CEP**

Associate Vice President  
Regional Practice Leader, Impact Assessment and Permitting (IAP)  
AECOM Environment DC Metro+ / Southeast Region  
D +1-301-820-3626  
M (b) (6)  
[brian.boose@aecom.com](mailto:brian.boose@aecom.com)

**AECOM**  
12420 Milestone Center Drive, Suite 150  
Germantown, MD 20876  
T 301.820.3000  
F 301.820.3409  
>[www.aecom.com](http://www.aecom.com)<

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---

**From:** FN-CEQ-NEPA [mailto:(b) (6)]  
**Sent:** Tuesday, June 19, 2018 12:44 PM  
**To:** Schneider, Daniel J. EOP/CEQ  
**Cc:** Boling, Ted A. EOP/CEQ; Drummond, Michael R. EOP/CEQ; Mansoor, Yardena M. EOP/CEQ  
**Subject:** CEQ NEPA Regulations ANPRM

Dear Colleagues,

The Council on Environmental Quality (CEQ) has submitted an Advance Notice of Proposed Rulemaking (ANPRM) titled "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act" to the *Federal Register* for publication and public comment. As a respected member of the NEPA community, I want to ensure that you are engaged early in the process as CEQ begins this undertaking.

I've attached a copy of the ANPRM for your reference. (<https://s3.amazonaws.com/public-inspection.federalregister.gov/2018-13246.pdf>) The official version will publish in the *Federal Register*. The ANPRM asks a series of 20 questions on the NEPA process, the scope of NEPA review, and other areas of interest related to NEPA. CEQ requests comment on potential revisions to update and clarify CEQ's NEPA regulations. Comments should be submitted on or before July 20, 2018, and should be submitted through <https://www.regulations.gov> by following the online instructions for submitting comments to Docket ID No. CEQ-2018-0001.

Sincerely,  
Ted

Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

# CEQ Federal NEPA Contacts Webinar

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Where: Webinar: (b) (6) (b) (6) (b) (6)

When: Wed Jun 20 15:00:00 2018 (America/New\_York)

Until: Wed Jun 20 16:30:00 2018 (America/New\_York)

Organiser: FN-CEQ-NEPA </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=3dfc5ad8035346949f6dddfa1953a47-fn">

"Boling, Ted A. EOP/CEQ" <(b) (6)>

"Drummond, Michael R. EOP/CEQ" <(b) (6)>

Required Attendees "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>

"Upchurch, Sara H. EOP/CEQ" <(b) (6)>

: "Hanley, Karen A. EOP/CEQ" <(b) (6)>

denise.freeman@hq.doe.gov

"Osterhues, Mariys A. EOP/CEQ" <(b) (6)>

---

Good afternoon Federal NEPA Contacts,

In advance of tomorrow's webinar, we have updated the tele-conference participant code (correct code is (b) (6)). Please find attached 1) a meeting agenda for tomorrow's webinar, 2) a slide deck for those unable to join the webinar, 3) instructions for joining the webinar, 4) the pre-publication version of the Advance Notice of Proposed Rulemaking for the CEQ NEPA Regulations, and 5) a Report from the Federal Forum on Environmental Collaboration and Conflict Resolution.

Lastly, please take a moment to review your agency's NEPA Contact listed here: <https://ceq.doe.gov/docs/nepa-practice/2018-Federal-NEPA-contacts-and-websites-2018-06-15.pdf> and provide any necessary updates via email to (b) (6).

Sincerely,

The CEQ NEPA Team

\*\*\*\*\*

CEQ will host the Summer Meeting of the Federal NEPA Contacts via webinar on Wednesday, June 20 from 3:00pm – 4:30pm EDT.

---

Conference number and webinar URL are provided below. An agenda will be provided in advance of the meeting along with a PDF of the webinar slides for those unable to join the webinar.

Audio Conference Details:

Conference Number (Toll Free): (b) (6) [REDACTED]

Participant Code: (b) (6) [REDACTED]

To join the meeting:

(b) (6) [REDACTED]

-----

If you have never attended an Adobe Connect meeting before:

Test your connection: [https://meet.gsa.gov/common/help/en/support/meeting\\_test.htm](https://meet.gsa.gov/common/help/en/support/meeting_test.htm)

Get a quick overview: <http://www.adobe.com/products/adobeconnect.html>

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# Council on Environmental Quality

Council on Environmental Quality

## *Federal NEPA Contacts Webinar*



*Wednesday, June 20, 2018  
3:00-4:30pm*

*Council on Environmental Quality*



# Agenda

Council on Environmental Quality

- 3:00pm Introduction**
- 3:05pm Update from EJ Interagency Working Group NEPA Sub-Committee**
- 3:15pm Update from EPA's Office of Federal Activities**
- 3:20pm CEQ's Review of Regulations Implementing NEPA**
- 3:55pm Updates on CEQ Initiatives**
- *ECCR Ten Year Report*
  - *One Federal Decision*
  - *EIS Timeline Data*
  - *CE Guidance and CE List*
- 4:05pm OMB Accountability System**
- *Accountability System –Permitting Dashboard, agency CERPO roles*
- 4:15pm Open Discussion**

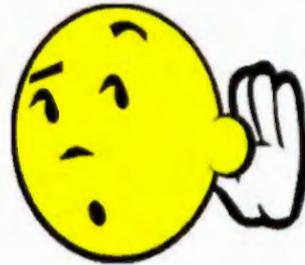
2

CEQ075FY18150\_000002979



Council on Environmental Quality

# “Have you heard about the Promising Practices Report?”

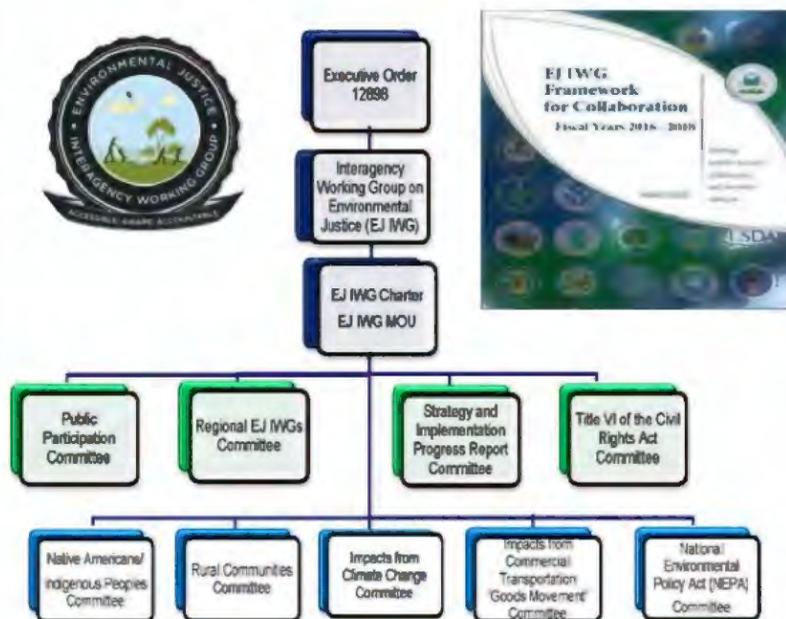


**Denise C. Freeman**  
**Co-chair, NEPA Committee**  
**Federal Interagency Working Group on Environmental Justice**  
**CEQ Federal NEPA Contacts Webinar**

# EJ and NEPA Through the Federal Interagency Working Group on Environmental Justice



## EJ IWG Governance Structure 2016 - 2018



December 2015

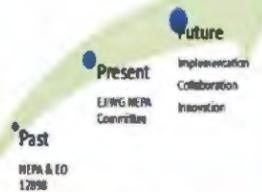
## Charter & MOU (2011)

## NEPA Committee Purpose:

Improve effective, efficient and consistent consideration of EJ in the NEPA process

- Share promising practices/lessons learned developed by federal government NEPA practitioners

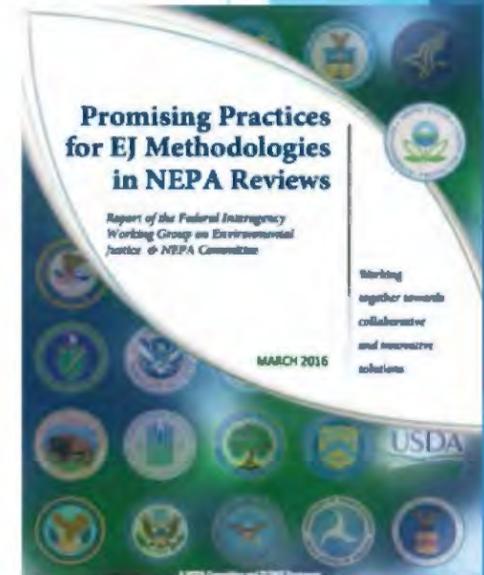
- Provide cross agency training on EJ and NEPA



## Promising Practices for EJ Methodologies in NEPA Reviews Report of the Federal Interagency Working Group on Environmental Justice & NEPA Committee (March 2016)



- The report provides an in-depth collection of principles and practices for considering and addressing EJ issues at every step of the NEPA process and should be used in conjunction with established CEQ and NEPA Guidance.
- The NEPA Committee, comprised of Federal NEPA practitioners across the federal family, believes that all federal agencies can benefit from developing effective, efficient, and consistent approaches to addressing environmental justice in their NEPA process.
- The report is available on the EJ IWG's website:  
<https://www.epa.gov/environmentaljustice/ej-iwg-promising-practices-ej-methodologies-nepa-reviews>.



## Substance: Report on Promising Practices for EJ Methodologies in NEPA Reviews

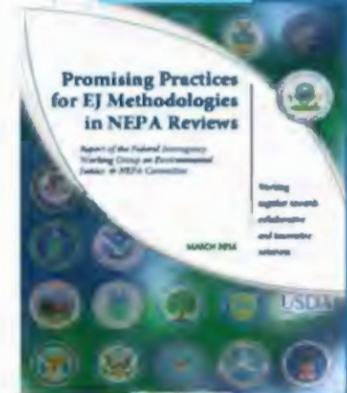
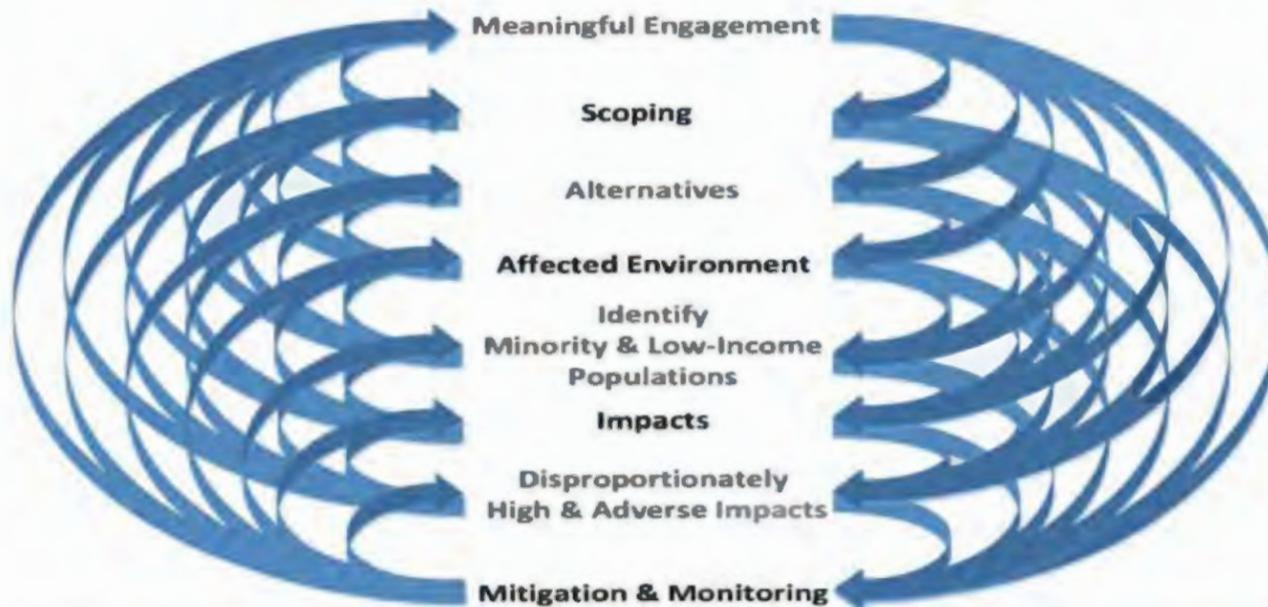


- Compilation of “promising practices” organized in coordinated, functional framework concerning interface of environmental justice considerations through NEPA processes
- Builds upon existing EJ and NEPA Guidance developed by CEQ and federal agencies
- Represents professional experience, knowledge and expertise of individuals participating in the NEPA Committee who are NEPA practitioners in federal agencies
- Captures collective thinking and thoughtful deliberation of shared information and results of research, analysis and discussions
- Joint efforts of the Committee reflect community of NEPA practitioners who seek to enable consideration of EJ within the context of NEPA
- Allows agencies to compare and improve their methodologies for considering EJ now and in the future
- **Does not establish new requirements for NEPA analysis**
- **Is not formal agency guidance**
- **Is not intended to be legally binding or create rights and benefits for any person**

# Elements of the Promising Practices Report



## Environmental Justice Within National Environmental Policy Act Reviews





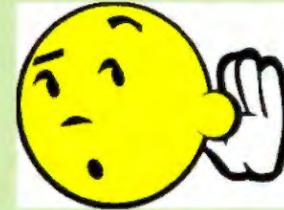
# Future & Next Steps: Implementation Collaboration, and Innovation



- Continue to promote and encourage agency-wide use of the Promising Practices Report
- Publish and promote the use of the Community Guide to Environmental Justice and NEPA Methods
- Support CEQ's efforts in implementing EO 13087



## “Now that you’ve heard about the Promising Practices Report...”



- Spread the word about the Promising Practices Report and the Community Guide, i.e., training or a briefing at your agency
- Volunteer and get involved with our efforts to promote more awareness
- Continue Implementation and Collaboration at your agencies on EJ and NEPA issues
- Give feedback on the Promising Practices Report



Thank You

Denise C. Freeman

Denise.Freeman@hq.doe.gov

# EPA NEPA/309 Update



# NEPA/309 Survey Results

- ▶ Over 160 respondents across 43 agencies
- ▶ Feedback centered around 3 primary subject areas:
  - ▶ Quality and consistency of 309 letters
  - ▶ Value of early engagement
  - ▶ Utility of 309 Rating System



## Subsequent EPA Actions

- ▶ Letter Writing Guidance to regions (August 2017)
- ▶ Increased emphasis on early engagement
- ▶ Evaluation of alternatives to current 309 Rating System





# Agenda

Council on Environmental Quality

- 3:00pm Introduction**
- 3:05pm Update from EJ Interagency Working Group NEPA Sub-Committee**
- 3:15pm Update from EPA's Office of Federal Activities**
- 3:20pm CEQ's Review of Regulations Implementing NEPA**
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  - *EIS Timeline Data*
  - *CE Guidance and CE List*
- 4:05pm OMB Accountability System**
- *Accountability System –Permitting Dashboard, agency CERPO roles*
- 4:15pm Open Discussion**

14

CEQ075FY18150\_000002979



Council on Environmental Quality



# Questions?

Council on Environmental Quality

The screenshot shows the NEPA.GOV website. At the top, there is a search bar and a navigation menu with links: HOME, LAWS & REGULATIONS, GUIDANCE, GET INVOLVED, NEPA PRACTICE, CEO PUBLICATIONS, and CEO REPORTS. The main banner features the text "INFRASTRUCTURE PERMITTING IMPROVEMENTS" with a "READ MORE" button. Below the banner is a "Welcome" section with the following text:

The National Environmental Policy Act (NEPA) was enacted to: declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation, and to establish a Council on Environmental Quality. (Sec. 2 [42 U.S. Code § 4321])

NEPA is our basic national charter for protection of the environment. It establishes policy, sets goals (section 101), and provides means (section 102) for carrying out the policy. Section 102 (2) contains "action-forcing" provisions to make sure that federal agencies act according to the letter and spirit of the Act.

President Nixon signed NEPA into law on January 1, 1970. NEPA set forth a bold new vision for America. Acknowledging the decades of environmental neglect that had significantly degraded the nation's landscape and damaged the human environment, the law was established to foster and promote the general welfare; to create and maintain conditions under which

<https://ceq.doe.gov/index.html>



Council on Environmental Quality



[3225-F8]

**COUNCIL ON ENVIRONMENTAL QUALITY**

**40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508**

**[Docket No. CEQ-2018-0001]**

**RIN: 0331-AA03**

**Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act**

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations substantively only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

**DATES:** Comments should be submitted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number CEQ-2018-0001 through the Federal eRulemaking portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Boling, Associate  
Director for the National Environmental Policy Act, Council on Environmental Quality,  
730 Jackson Place, N.W., Washington, DC 20503. Telephone: (202) 395-5750.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq., was enacted in 1970. NEPA states that “it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” 42 U.S.C. § 4331(a). NEPA also established CEQ as an agency within the Executive Office of the President. 42 U.S.C. § 4342.

By Executive Order (E.O.) 11514, “Protection and Enhancement of Environmental Quality” (March 5, 1970), President Nixon directed CEQ in Section 3(h) to issue “guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act.” CEQ published these guidelines in April of 1970 and revised them in 1973.

President Carter issued E.O. 11991 (May 24, 1977), “Relating to Protection and Enhancement of Environmental Quality,” which amended Section 3(h) of E.O. 11514 to direct CEQ to issue regulations providing uniform standards for the implementation of

NEPA, and amended Section 2 of E.O. 11514 to require agency compliance with the CEQ regulations. CEQ promulgated its “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” (CEQ’s NEPA regulations) at 40 CFR parts 1500-1508. 43 FR 55978 (November 29, 1978). Since that time, CEQ has amended its NEPA regulations substantively only once, to eliminate the “worst case” analysis requirement of 40 CFR 1502.22. 51 FR 15618 (April 25, 1986).

On August 15, 2017, President Trump issued E.O. 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.” 82 FR 40463 (August 24, 2017). Section 5(e) of E.O. 13807 directed CEQ to develop an initial list of actions to enhance and modernize the Federal environmental review and authorization process. In response, CEQ published its initial list of actions pursuant to E.O. 13807 and stated that it intends to review its existing NEPA regulations in order to identify changes needed to update and clarify these regulations. 82 FR 43226 (September 14, 2017).

## **II. Request for Comment**

CEQ requests comments on potential revisions to update and clarify CEQ NEPA regulations. In particular, CEQ requests comments on the following specific aspects of these regulations, and requests that commenters include question numbers when providing responses. Where possible, please provide specific recommendations on additions, deletions, and modifications to the text of CEQ’s NEPA regulations and their justifications.

### ***NEPA Process:***

1. Should CEQ's NEPA regulations be revised to ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?
2. Should CEQ's NEPA regulations be revised to make the NEPA process more efficient by better facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?
3. Should CEQ's NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

***Scope of NEPA Review:***

4. Should the provisions in CEQ's NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?
5. Should CEQ's NEPA regulations be revised to provide greater clarity to ensure NEPA documents better focus on significant issues that are relevant and useful to decisionmakers and the public, and if so, how?
6. Should the provisions in CEQ's NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?
7. Should definitions of any key NEPA terms in CEQ's NEPA regulations, such as those listed below, be revised, and if so, how?
  - a. Major Federal Action;
  - b. Effects;

- c. Cumulative Impact;
  - d. Significantly;
  - e. Scope; and
  - f. Other NEPA terms.
8. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?
- a. Alternatives;
  - b. Purpose and Need;
  - c. Reasonably Foreseeable;
  - d. Trivial Violation; and
  - e. Other NEPA terms.
9. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?
- a. Notice of Intent;
  - b. Categorical Exclusions Documentation;
  - c. Environmental Assessments;
  - d. Findings of No Significant Impact;
  - e. Environmental Impact Statements;
  - f. Records of Decision; and
  - g. Supplements.
10. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?

11. Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?
12. Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised, and if so, how?
13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

***General:***

14. Are any provisions of the CEQ's NEPA regulations currently obsolete? If so, please provide specific recommendations on whether they should be modified, rescinded, or replaced.
15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient?
16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization decisions, such as combining NEPA analysis and other decision documents, and if so, how?
17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?
18. Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations, and if so, how?

19. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, and if so, how?

20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

(Authority: 42 U.S.C. 4332, 4342, 4344 and 40 CFR Parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508)

### **III. Statutory and Executive Order Reviews**

Under E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993), this is a "significant regulatory action." Accordingly, CEQ submitted this action to the Office of Management and Budget (OMB) for review under E.O. 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, and instead seeks comments and suggestions for CEQ to consider in possibly developing a subsequent proposed rule, the various statutes and executive orders that normally apply to rulemaking do not apply in this case. If CEQ decides in the future to pursue a rulemaking, CEQ will address the statutes and executive orders applicable to that rulemaking at that time.

Mary B. Neumayr,

*Chief of Staff, Council on Environmental Quality.*

[FR Doc. 2018-13246 Filed: 6/19/2018 8:45 am; Publication Date: 6/20/2018]

# Federal NEPA Contacts Webinar

Wednesday, June 20, 2018

3:00 PM - 4:30 PM

(b) (6) Participant Code (b) (6)

(b) (6)

## Agenda

- 3:00pm Introduction**
- 3:05pm Update from EJ Interagency Working Group NEPA Sub-Committee**
- 3:15pm Update from EPA's Office of Federal Activities**
- 3:20pm CEQ's Review of Regulations Implementing NEPA**
- 3:55pm Updates on CEQ Initiatives**
- o *ECCR Ten Year Report*
  - o *One Federal Decision*
  - o *EIS Timeline Data*
  - o *CE Guidance and CE List*
- 4:05pm OMB Accountability System**
- o *Accountability System –Permitting Dashboard, agency CERPO roles*
- 4:15pm Open Discussion**

## ANPR to be published tomorrow

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**From:** "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>  
**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)> "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 19 Jun 2018 08:47:59 -0400

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It is now available on the Public Inspection page:

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<https://s3.amazonaws.com/public-inspection.federalregister.gov/2018-13246.pdf>

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Yardena Mansoor  
Deputy Associate Director for NEPA  
Council on Environmental Quality

(b) (6) / (b) (6)

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## RE: CEQ NEPA Regulations ANPRM

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**From:** "Boling, Ted A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=eae5b047f871428b9b46baf8afd1176a-bo">  
**To:** Reid Nelson <melson@achp.gov>, "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Cc:** John Fowler <jfowler@achp.gov>  
**Date:** Wed, 20 Jun 2018 14:16:55 -0400

Thank you!

**From:** Reid Nelson <rnelson@achp.gov>  
**Sent:** Wednesday, June 20, 2018 1:19 PM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)> Drummond, Michael R. EOP/CEQ <(b) (6)>  
**Cc:** John Fowler <jfowler@achp.gov>  
**Subject:** FW: CEQ NEPA Regulations ANPRM

As discussed, I just shared this with SHPOs, THPOs/Indian tribes, Native Hawaiian Organizations, and Federal Preservation Officers. John will also be sharing it with our members and preservation partners as well. We're also taking a look through the questions ourselves and will be in touch with any questions we might have.

You have your work cut out for you!

Reid

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**From:** Reid Nelson  
**Sent:** Wednesday, June 20, 2018 1:14 PM  
**To:** shpo; Tribal 106 Contacts; NHO 106 Contacts; fpo; FPOrep  
**Subject:** CEQ NEPA Regulations ANPRM

The Council on Environmental Quality (CEQ) has issued an Advance Notice of Proposed Rulemaking (ANPRM) titled "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act." The notice was published in the *Federal Register* and is now open for public comment. The official *Federal Register* version is attached and available here: <https://www.federalregister.gov/documents/2018/06/20/2018-13246/update-to-the-regulations-for-implementing-the-procedural-provisions-of-the-national-environmental>. It is also available on regulations.gov at <https://www.regulations.gov/docket?D=CEQ-2018-0001>.

The ANPRM asks a series of 20 questions on the NEPA process, the scope of NEPA review, and other areas of interest related to NEPA. CEQ requests comment on potential revisions to update and clarify its NEPA regulations. Given the important intersections between environmental reviews carried out under NEPA and those carried out under Section 106 of the National Historic Preservation Act, we encourage you to consider providing your responses to these questions. Note that Questions 3 and 16 in particular

request the public's views on the coordination of environmental reviews, and that Question 18 speaks to the role of Indian tribes in NEPA reviews.

Further questions on the ANPRM should be directed to CEQ using the contact information provided in the *Federal Register*.

Reid Nelson  
Director  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation

## ANPRM News Clips

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**From :** "Schneider, Daniel J. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**Cc:** "Pettigrew, Theresa L. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)> "Boling, Ted A. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 20 Jun 2018 09:43:26 -0400

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Inside EPA: <https://insideepa.com/daily-news/ceq-issues-advance-notice-sweeping-update-nepa-regulations>

EE News Greenwire: <https://www.eenews.net/greenwire/2018/06/19/stories/1060085087>

The Hill: <http://thehill.com/policy/energy-environment/393009-trump-admin-floats-changes-to-environmental-review-standards>

Dan Schneider  
Associate Director for Communications  
Council on Environmental Quality  
Executive Office of the President  
(b) (6) desk)  
(b) (6)  
[www.whitehouse.gov/ceq](http://www.whitehouse.gov/ceq)

## FW: CEQ NEPA Regulations ANPRM

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**From:** Reid Nelson <rnelson@achp.gov>  
**To:** "Boling, Ted A. EOP/CEQ" (b) (6) "Drummond, Michael R. EOP/CEQ" (b) (6)  
**Cc:** John Fowler <jfowler@achp.gov>  
**Date:** Wed, 20 Jun 2018 13:19:02 -0400  
**Attachments**  
: 2018-13246.pdf (195.85 kB)

As discussed, I just shared this with SHPOs, THPOs/Indian tribes, Native Hawaiian Organizations, and Federal Preservation Officers. John will also be sharing it with our members and preservation partners as well. We're also taking a look through the questions ourselves and will be in touch with any questions we might have.

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The ANPRM asks a series of 20 questions on the NEPA process, the scope of NEPA review, and other areas of interest related to NEPA. CEQ requests comment on potential revisions to update and clarify its NEPA regulations. Given the important intersections between environmental reviews carried out under NEPA and those carried out under Section 106 of the National Historic Preservation Act, we encourage you to consider providing your responses to these questions. Note that Questions 3 and 16 in particular request the public's views on the coordination of environmental reviews, and that Question 18 speaks to the role of Indian tribes in NEPA reviews.

Further questions on the ANPRM should be directed to CEQ using the contact information provided in the *Federal Register*.

Reid Nelson  
Director  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation

requirements, Superfund, Water pollution control, Water supply.

**Authority:** 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

**Dated:** May 30, 2018.

**Cosmo Servidio,**

*Regional Administrator, U.S. Environmental Protection Agency Region 3.*

[FR Doc. 2018–12709 Filed 6–10–18; 8:45 am]

**BILLING CODE 6560–50–P**

## COUNCIL ON ENVIRONMENTAL QUALITY

**40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508**

[Docket No. CEQ–2018–0001]

**RIN: 0331–AA03**

### Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations substantively only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

**DATES:** Comments should be submitted on or before July 20, 2018.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number CEQ–2018–0001 through the Federal eRulemaking portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503. Telephone: (202) 395–5750.

**SUPPLEMENTARY INFORMATION:**

## I. Background

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, was enacted in 1970. NEPA states that “it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” 42 U.S.C. 4331(a). NEPA also established CEQ as an agency within the Executive Office of the President. 42 U.S.C. 4342.

By Executive Order (E.O.) 11514, “Protection and Enhancement of Environmental Quality” (March 5, 1970), President Nixon directed CEQ in Section 3(h) to issue “guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act.” CEQ published these guidelines in April of 1970 and revised them in 1973.

President Carter issued E.O. 11991 (May 24, 1977), “Relating to Protection and Enhancement of Environmental Quality,” which amended Section 3(h) of E.O. 11514 to direct CEQ to issue regulations providing uniform standards for the implementation of NEPA, and amended Section 2 of E.O. 11514 to require agency compliance with the CEQ regulations. CEQ promulgated its “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” (CEQ’s NEPA regulations) at 40 CFR parts 1500–1508. 43 FR 55978 (November 29, 1978). Since that time, CEQ has amended its NEPA regulations substantively only once, to eliminate the “worst case” analysis requirement of 40 CFR 1502.22. 51 FR 15618 (April 25, 1986).

On August 15, 2017, President Trump issued E.O. 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.” 82 FR 40463 (August 24, 2017). Section 5(e) of E.O. 13807 directed CEQ to develop an initial list of actions to enhance and modernize the Federal environmental review and authorization process. In response, CEQ published its initial list of actions pursuant to E.O. 13807 and stated that it intends to

review its existing NEPA regulations in order to identify changes needed to update and clarify these regulations. 82 FR 43226 (September 14, 2017).

## II. Request for Comment

CEQ requests comments on potential revisions to update and clarify CEQ NEPA regulations. In particular, CEQ requests comments on the following specific aspects of these regulations, and requests that commenters include question numbers when providing responses. Where possible, please provide specific recommendations on additions, deletions, and modifications to the text of CEQ’s NEPA regulations and their justifications.

### NEPA Process

1. Should CEQ’s NEPA regulations be revised to ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient, and if so, how?

2. Should CEQ’s NEPA regulations be revised to make the NEPA process more efficient by better facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?

3. Should CEQ’s NEPA regulations be revised to ensure optimal interagency coordination of environmental reviews and authorization decisions, and if so, how?

### Scope of NEPA Review

4. Should the provisions in CEQ’s NEPA regulations that relate to the format and page length of NEPA documents and time limits for completion be revised, and if so, how?

5. Should CEQ’s NEPA regulations be revised to provide greater clarity to ensure NEPA documents better focus on significant issues that are relevant and useful to decisionmakers and the public, and if so, how?

6. Should the provisions in CEQ’s NEPA regulations relating to public involvement be revised to be more inclusive and efficient, and if so, how?

7. Should definitions of any key NEPA terms in CEQ’s NEPA regulations, such as those listed below, be revised, and if so, how?

- a. Major Federal Action;
- b. Effects;
- c. Cumulative Impact;
- d. Significantly;
- e. Scope; and
- f. Other NEPA terms.

8. Should any new definitions of key NEPA terms, such as those noted below, be added, and if so, which terms?

a. Alternatives;  
 b. Purpose and Need;  
 c. Reasonably Foreseeable;  
 d. Trivial Violation; and  
 e. Other NEPA terms.  
 9. Should the provisions in CEQ's NEPA regulations relating to any of the types of documents listed below be revised, and if so, how?

a. Notice of Intent;  
 b. Categorical Exclusions Documentation;  
 c. Environmental Assessments;  
 d. Findings of No Significant Impact;  
 e. Environmental Impact Statements;  
 f. Records of Decision; and  
 g. Supplements.

10. Should the provisions in CEQ's NEPA regulations relating to the timing of agency action be revised, and if so, how?

11. Should the provisions in CEQ's NEPA regulations relating to agency responsibility and the preparation of NEPA documents by contractors and project applicants be revised, and if so, how?

12. Should the provisions in CEQ's NEPA regulations relating to programmatic NEPA documents and tiering be revised, and if so, how?

13. Should the provisions in CEQ's NEPA regulations relating to the appropriate range of alternatives in NEPA reviews and which alternatives may be eliminated from detailed analysis be revised, and if so, how?

#### General

14. Are any provisions of the CEQ's NEPA regulations currently obsolete? If so, please provide specific recommendations on whether they should be modified, rescinded, or replaced.

15. Which provisions of the CEQ's NEPA regulations can be updated to reflect new technologies that can be used to make the process more efficient?

16. Are there additional ways CEQ's NEPA regulations should be revised to promote coordination of environmental review and authorization decisions, such as combining NEPA analysis and other decision documents, and if so, how?

17. Are there additional ways CEQ's NEPA regulations should be revised to improve the efficiency and effectiveness of the implementation of NEPA, and if so, how?

18. Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ's NEPA regulations, and if so, how?

19. Are there additional ways CEQ's NEPA regulations should be revised to ensure that agencies apply NEPA in a manner that reduces unnecessary

burdens and delays as much as possible, and if so, how?

20. Are there additional ways CEQ's NEPA regulations related to mitigation should be revised, and if so, how?

(Authority: 42 U.S.C. 4332, 4342, 4344 and 40 CFR parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508)

### III. Statutory and Executive Order Reviews

Under E.O. 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993), this is a "significant regulatory action." Accordingly, CEQ submitted this action to the Office of Management and Budget (OMB) for review under E.O. 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, and instead seeks comments and suggestions for CEQ to consider in possibly developing a subsequent proposed rule, the various statutes and executive orders that normally apply to rulemaking do not apply in this case. If CEQ decides in the future to pursue a rulemaking, CEQ will address the statutes and executive orders applicable to that rulemaking at that time.

**Mary B. Neumayr**,  
*Chief of Staff, Council on Environmental Quality.*

[FR Doc. 2018-13246 Filed 6-19-18; 8:45 am]

BILLING CODE 3225-F8-P

### GENERAL SERVICES ADMINISTRATION

#### 41 CFR Part 105-60

[GSPMR Case 2016-105-1; Docket No. 2016-0004, Sequence No. 1]

RIN 3090-AJ74

#### Public Availability of Agency Records and Informational Materials

**AGENCY:** Office of Administrative Services (OAS), General Services Administration (GSA).

**ACTION:** Proposed rule.

**SUMMARY:** The General Services Administration (GSA) is issuing a proposed rule to amend its regulations implementing the Freedom of Information Act (FOIA). The regulations are being revised to update and streamline the language of several procedural provisions and to incorporate certain changes brought about by the amendments to the FOIA under both statutory and nonstatutory authorities. This rule also amends the

GSA's regulations under the Freedom of Information Act (FOIA) to incorporate certain changes made to the FOIA by the FOIA Improvement Act of 2016. Additionally, the regulations are being updated to reflect developments in case law, executive guidance from the Department of Justice—Office of Information Policy, technological advancements in how the FOIA is administered, and to include current cost figures to be used in calculating and charging fees. Finally, the revisions increase the amount of information that members of the public may receive from the Agency without being charged processing fees through proactive disclosures.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat Division at one of the addresses shown below on or before August 20, 2018 to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments in response to GSPMR case 2016-105-1 by any of the following methods:

- *Regulations.gov*; <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for "GSPMR Case 2016-105-1". Select the link "Comment Now" that corresponds with "GSPMR Case 2016-105-1." Follow the instructions provided on the screen. Please include your name, company name (if any), and "GSPMR Case 2016-105-1" on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), ATTN: Ms. Lois Mandell, 1800 F Street NW, 2nd Floor, Washington, DC 20405.

*Instructions:* Please submit comments only and cite GSPMR Case 2016-105-1, in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Mr. Travis S. Lewis, Director of GSA, OAS, Freedom of Information Act and Records Management Division, at 202-219-3078 via email at [travis.lewis@gsa.gov](mailto:travis.lewis@gsa.gov) for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202-501-4755. Please cite GSPMR Case 2016-105-1.

## [FR] All Documents

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**From:** Federal Register Subscriptions <subscriptions@mail.federalregister.gov>

**To:** "Smith, Katherine R. EOP/CEQ" <(b) (6)>

**Date:** Wed, 20 Jun 2018 04:25:55 -0400



subscription results for Wednesday, June 20th, 2018  
125 matching documents

## All Documents

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### MATCHING DOCUMENTS

#### Agricultural Marketing Service

##### Rule

##### **Almonds Grown in California:**

###### **Kernel Weight Computation**

**FR Document:** [2018-13272](#)

[PDF](#) Pages 28523-28526 (4 pages)

**Citation:** 83 FR 28523

[Permalink](#)

**Abstract:** This final rule implements a recommendation from the Almond Board of California (Board) to revise the adjusted kernel weight computation currently prescribed under the Marketing Order for almonds grown in California. In addition, this action...

##### **Olives Grown in California:**

###### **Decreased Assessment Rate**

**FR Document:** [2018-13271](#)

[PDF](#) Pages 28521-28523 (3 pages)

**Citation:** 83 FR 28521

[Permalink](#)

**Abstract:** This rule implements a recommendation from the California Olive Committee (Committee) to decrease the assessment rate established for the 2018 fiscal period for olives grown in California. The assessment rate will remain in effect indefinitely...

##### Proposed Rule

##### **National Bioengineered Food Disclosure Standard:**

###### **Correction**

**FR Document:** [2018-13155](#)

[PDF](#) Page 28547 (1 page)

**Citation:** 83 FR 28547

[Permalink](#)

**Abstract:** This document contains corrections to the proposed rule published on May 4, 2018, regarding a new national mandatory bioengineered food disclosure standard. Corrections are made to the notice of proposed rule making's (NPRM) Initial Regulatory...

## [Agriculture Department](#)

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### **Proposed Rule**

#### **Identifying Regulatory Reform Initiatives**

**FR Document:** [2018-13153](#)

[PDF](#) Page 28550 (1 page)

**Citation:** 83 FR 28550

[Permalink](#)

**Abstract:** The U.S. Department of Agriculture is extending the comment period for our request for information on how we can provide better customer service and remove unintended barriers to participation in our regulatory programs published in the Federal...

## [Army Department](#)

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### **Notice**

#### **Government-Owned Inventions; Available for Licensing**

**FR Document:** [2018-13225](#)

[PDF](#) Page 28625 (1 page)

**Citation:** 83 FR 28625

[Permalink](#)

**Abstract:** The invention listed below is assigned to the United States Government as represented by the Secretary of the Army and is being made generally availability of exclusive, partially exclusive or non-exclusive licenses by the Department of the Army....

#### **Requests for Information:**

##### **Technologies to Support Operations in Information Environment**

**FR Document:** [2018-13226](#)

[PDF](#) Page 28626 (1 page)

**Citation:** 83 FR 28626

[Permalink](#)

**Abstract:** The notice for Request for Information on Technologies to Support Operations in the Information Environment published in the Federal Register on Wednesday, May 23, 2018, did not request participants to register online. This notice publicizes the...

## [Centers for Disease Control and Prevention](#)

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### **Notice**

#### **Fees for Sanitation Inspection of Cruise Ships**

**FR Document:** [2018-13216](#)

[PDF](#) Page 28650 (1 page)

**Citation:** 83 FR 28650

[Permalink](#)

**Abstract:** The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS) announces fees for vessel sanitation inspections for Fiscal Year (FY) 2019. These inspections are conducted by HHS/CDC's Vessel...

## Centers for Medicare & Medicaid Services

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### Proposed Rule

#### Medicare Programs:

**Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Long Term Care Hospital Prospective Payment System and Proposed Policy Changes and Fiscal Year 2019 Rates, etc.:**

Correction

**FR Document:** [2018-13152](#)

[PDF](#) Pages 28603-28604 (2 pages)

**Citation:** 83 FR 28603

[Permalink](#)

**Abstract:** This document corrects technical and typographical errors in the proposed rule that appeared in the May 7, 2018 issue of the Federal Register titled "Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and..."

## Civil Rights Commission

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### Notice

#### Meetings:

**Nevada Advisory Committee**

**FR Document:** [2018-13251](#)

[PDF](#) Page 28622 (1 page)

**Citation:** 83 FR 28622

[Permalink](#)

**Abstract:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Nevada Advisory Committee (Committee) to the...

## Coast Guard

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### Rule

#### Safety Zones:

**Annual Events in Captain of the Port Buffalo**

**Zone◆◆◆July Fireworks**

**FR Document:** [2018-13241](#)

[PDF](#) Pages 28538-28539 (2 pages)

**Citation:** 83 FR 28538

[Permalink](#)

**Abstract:** The Coast Guard will enforce certain safety zones located in federal regulations for recurring marine events. This action is necessary and intended for the safety of life and property on navigable waters during these events. During each...

### **City of Oswego Community Fireworks, Oswego Harbor, Oswego, NY**

**FR Document:** [2018-13239](#)

[PDF](#) Pages 28541-28543 (3 pages)

**Citation:** 83 FR 28541

[Permalink](#)

**Abstract:** The Coast Guard is establishing a temporary safety zone for navigable waters within a 420-foot radius of the launch site located at the Oswego Harbor, Lake Ontario, Oswego, NY. This safety zone is intended to restrict vessels from portions of Lake...

### **Recurring Events in Captain of the Port Duluth**

#### **Zone◆◆◆Cornucopia Annual Fireworks Display**

**FR Document:** [2018-13236](#)

[PDF](#) Page 28541 (1 page)

**Citation:** 83 FR 28541

[Permalink](#)

**Abstract:** The Coast Guard will enforce the safety zone for the Cornucopia Annual Fireworks Display in Cornucopia, WI from 9:30 p.m. through 11:30 p.m. on June 30, 2018. This action is necessary to protect participants and spectators during the Cornucopia...

### **Recurring Events in Captain of the Port Duluth**

#### **Zone◆◆◆Duluth Fourth Fest Fireworks**

**FR Document:** [2018-13240](#)

[PDF](#) Page 28538 (1 page)

**Citation:** 83 FR 28538

[Permalink](#)

**Abstract:** The Coast Guard will enforce the safety zone for the Duluth Fourth Fest in Duluth, MN from 9:30 p.m. through 11:30 p.m. on July 4, 2018, with a rain date of 9:30 p.m. through 11:30 p.m. on July 5, 2018. This action is necessary to protect...

### **Recurring Marine Events in Captain of the Port Long Island Sound Zone**

**FR Document:** [2018-13254](#)

[PDF](#) Pages 28539-28541 (3 pages)

**Citation:** 83 FR 28539

[Permalink](#)

**Abstract:** The Coast Guard will enforce fourteen safety zones for fireworks displays in the Sector Long Island Sound area of responsibility on the date and time listed in the table below. This action is necessary to provide for the safety of life on...

[Commodity Futures Trading Commission](#)

## Notice

### Agency Information Collection Activities; Proposals, Submissions, and Approvals:

#### Customer Clearing Documentation and Timing of Acceptance for Clearing

FR Document: [2018-13255](#)

[PDF](#) Pages 28623-28625 (3 pages)

Citation: 83 FR 28623

[Permalink](#)

**Abstract:** The Commodity Futures Trading Commission (CFTC) is announcing an opportunity for public comment on the extension of a collection of certain information by the agency. Under the Paperwork Reduction Act ("PRA"), Federal agencies are required to...

## Council on Environmental Quality

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### Proposed Rule

#### Implementation of Procedural Provisions of National Environmental Policy Act

FR Document: [2018-13246](#)

[PDF](#) Pages 28591-28592 (2 pages)

Citation: 83 FR 28591

[Permalink](#)

**Abstract:** The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents...

## Drug Enforcement Administration

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### Notice

#### Importers of Controlled Substances; Applications:

Fisher Clinical Services, Inc.

FR Document: [2018-13224](#)

[PDF](#) Page 28663 (1 page)

Citation: 83 FR 28663

[Permalink](#)

**Abstract:** [Not available]

#### Manufacturers of Controlled Substances; Applications:

American Radiolabeled Chem

FR Document: [2018-13231](#)

[PDF](#) Page 28664 (1 page)

Citation: 83 FR 28664

[Permalink](#)

**Abstract:** [Not available]

Cerilliant Corp.

FR Document: [2018-13221](#)

[PDF](#) Pages 28664-28668 (5 pages)

Citation: 83 FR 28664

[Permalink](#)

**Abstract:** *[Not available]*

### **Manufacturers of Controlled Substances; Registrations**

**FR Document:** [2018-13223](#) [PDF Page 28663 \(1 page\)](#)

**Citation:** 83 FR 28663 [Permalink](#)

**Abstract:** Registrants listed below have applied for and been granted registration by the Drug Enforcement Administration (DEA) as bulk manufacturers of various classes of schedule I and II controlled substances.

## [Education Department](#)

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### **Rule**

#### **Program Integrity:**

##### **Gainful Employment**

**FR Document:** [C1-2018-13054](#) [PDF Page 28543 \(1 page\)](#)

**Citation:** 83 FR 28543 [Permalink](#)

**Abstract:** *[Not available]*

### **Proposed Rule**

#### **State Technical Assistance Projects to Improve Services and Results for Children Who are Deaf-Blind and National Technical Assistance and Dissemination Center for Children Who Are Deaf-Blind**

**FR Document:** [2018-13269](#) [PDF Pages 28566-28568 \(3 pages\)](#)

**Citation:** 83 FR 28566 [Permalink](#)

**Abstract:** The Assistant Secretary for Special Education and Rehabilitative Services proposes a requirement under the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities (TA&D) program. The Assistant...

## [Energy Department](#)

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### **Notice**

#### **Applications to Export Electric Energy:**

##### **Emera Energy Services Subsidiary No. 1, LLC**

**FR Document:** [2018-13234](#) [PDF Page 28627 \(1 page\)](#)

**Citation:** 83 FR 28627 [Permalink](#)

**Abstract:** Emera Energy Services Subsidiary No. 1 LLC (Applicant or EESS- 1) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

### **Emera Energy Services Subsidiary No. 2, LLC**

**FR Document:** [2018-13228](#) [PDF](#) Pages 28626-28627 (2 pages)

**Citation:** 83 FR 28626 [Permalink](#)

**Abstract:** Emera Energy Services Subsidiary No. 2 LLC (Applicant or EESS- 2) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

### **Emera Energy Services Subsidiary No. 3, LLC**

**FR Document:** [2018-13230](#) [PDF](#) Pages 28628-28629 (2 pages)

**Citation:** 83 FR 28628 [Permalink](#)

**Abstract:** Emera Energy Services Subsidiary No. 3 LLC (Applicant or EESS- 3) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

### **Emera Energy Services Subsidiary No. 4, LLC**

**FR Document:** [2018-13229](#) [PDF](#) Page 28629 (1 page)

**Citation:** 83 FR 28629 [Permalink](#)

**Abstract:** Emera Energy Services Subsidiary No. 4 LLC (Applicant or EESS- 4) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

### **Emera Energy Services Subsidiary No. 5, LLC**

**FR Document:** [2018-13232](#) [PDF](#) Pages 28627-28628 (2 pages)

**Citation:** 83 FR 28627 [Permalink](#)

**Abstract:** Emera Energy Services Subsidiary No. 5 LLC (Applicant or EESS- 5) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

### **Guidance:**

#### **Hydroelectric Incentive Program**

**FR Document:** [2018-13233](#) [PDF](#) Pages 28629-28630 (2 pages)

**Citation:** 83 FR 28629 [Permalink](#)

**Abstract:** The U.S. Department of Energy (DOE) gives notice of updated guidance for the Energy Policy Act of 2005 program. The guidance describes the hydroelectric incentive payment requirements and explains the type of information that owners or authorized...

## **[Environmental Protection Agency](#)**

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### **Rule**

#### **Air Quality State Implementation Plans; Approvals and Promulgations:**

**Alabama; Redesignation of Pike County Lead**

### **Nonattainment Area to Attainment**

**FR Document:** [2018-13147](#) [PDF](#) Pages 28543-28545 (3 pages)

**Citation:** 83 FR 28543 [Permalink](#)

**Abstract:** On January 3, 2018, the State of Alabama, through the Alabama Department of Environmental Management (ADEM), submitted a request for the Environmental Protection Agency (EPA) to redesignate the Troy 2008 lead Nonattainment Area ("Troy Area" or...

## **Proposed Rule**

### **Air Quality State Implementation Plans; Approvals and Promulgations:**

#### **Tennessee; Knox County New Source Review Reform**

**FR Document:** [2018-13144](#) [PDF](#) Pages 28568-28577 (10 pages)

**Citation:** 83 FR 28568 [Permalink](#)

**Abstract:** The Environmental Protection Agency (EPA) is proposing to approve several Tennessee State Implementation Plan (SIP) revisions submitted by the Tennessee Department of Environment & Conservation (TDEC), on behalf of Knox County's Air Quality...

#### **Tennessee; Regional Haze Plan and Prong 4 (Visibility) for 2012 PM2.5, 2010 NO2, and 2010 SO2 NAAQS**

**FR Document:** [2018-13146](#) [PDF](#) Pages 28582-28586 (5 pages)

**Citation:** 83 FR 28582 [Permalink](#)

**Abstract:** The Environmental Protection Agency (EPA) is proposing to take the following four actions regarding the Tennessee State Implementation Plan (SIP): approve Tennessee's November 22, 2017, SIP submittal seeking to change reliance from the Clean Air...

#### **Tennessee; Revisions to New Source Review**

**FR Document:** [2018-13142](#) [PDF](#) Pages 28577-28582 (6 pages)

**Citation:** 83 FR 28577 [Permalink](#)

**Abstract:** The Environmental Protection Agency (EPA) is proposing to approve changes to the Tennessee State Implementation Plan (SIP) to revise New Source Review (NSR) regulations. Specifically, EPA is proposing to approve the portions of a SIP revision...

## **National Oil and Hazardous Substances Pollution**

### **Contingency Plan; National Priorities List:**

#### **Ordnance Works Disposal Areas Superfund Site; Deletion**

**FR Document:** [2018-12709](#) [PDF](#) Pages 28586-28591 (6 pages)

**Citation:** 83 FR 28586 [Permalink](#)

**Abstract:** The Environmental Protection Agency (EPA), Region 3, is

issuing a Notice of Intent to Delete the Ordnance Works Disposal Areas Superfund Site (Site) located in Morgantown, West Virginia, from the National Priorities List (NPL) and requests public...

## Federal Aviation Administration

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### Rule

#### Airworthiness Directives:

##### **Bombardier, Inc., Airplanes**

**FR Document:** [2018-13125](#)

[PDF](#) Pages 28536-28538 (3 pages)

**Citation:** 83 FR 28536

[Permalink](#)

**Abstract:** We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD-100-1A10 airplanes. This AD was prompted by a report indicating that certain lanyards for the passenger oxygen masks located in the airplane's entry area are...

#### Rulemaking and Waiver Procedures and Expansion of Equivalent Level of Safety Option

**FR Document:** [2018-13177](#)

[PDF](#) Pages 28528-28536 (9 pages)

**Citation:** 83 FR 28528

[Permalink](#)

**Abstract:** This action streamlines and improves commercial space transportation regulations' general rulemaking and petition procedures to better reflect current practice; reorganizes the regulations for clarity and flow; and allows petitioners to file their...

### Proposed Rule

#### Airworthiness Directives:

##### **Airbus Airplanes**

**FR Document:** [2018-12885](#)

[PDF](#) Pages 28555-28560 (6 pages)

**Citation:** 83 FR 28555

[Permalink](#)

**Abstract:** We propose to adopt a new airworthiness directive (AD) for all Airbus Model A318 series; Model A319 series; Model A320 series; and Model A321-111, -112, -131, -211, -212, -213, -231, and -232 airplanes. This proposed AD was prompted by reports of...

##### **Bombardier, Inc., Airplanes**

**FR Document:** [2018-13126](#)

[PDF](#) Pages 28553-28555 (3 pages)

**Citation:** 83 FR 28553

[Permalink](#)

**Abstract:** We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD-700-1A10 and BD-700-1A11 airplanes. This proposed AD was prompted by reports of multiple in-flight departures of the aft belly fairing access panels....

## Honeywell International Inc. Turboprop Engines

FR Document: [2018-13211](#)

[PDF](#) Pages 28550-28553 (4 pages)

Citation: 83 FR 28550

[Permalink](#)

**Abstract:** We propose to supersede Airworthiness Directive (AD) 88-12-10, which applies to certain Honeywell International Inc. (Honeywell) TPE331 turboprop engines. AD 88-12-10 requires reducing the life limit for certain second stage turbine rotors. Since...

## Notice

### Petitions for Exemptions; Summaries:

#### Cruiser Aircraft, Inc.

FR Document: [2018-13178](#)

[PDF](#) Pages 28756-28757 (2 pages)

Citation: 83 FR 28756

[Permalink](#)

**Abstract:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither...

## Federal Energy Regulatory Commission

## Notice

### Applications:

#### Duke Energy Carolinas

FR Document: [2018-13208](#)

[PDF](#) Pages 28635-28636 (2 pages)

Citation: 83 FR 28635

[Permalink](#)

**Abstract:** [Not available]

#### Tennessee Gas Pipeline Co., LLC

FR Document: [2018-13200](#)

[PDF](#) Pages 28639-28640 (2 pages)

Citation: 83 FR 28639

[Permalink](#)

**Abstract:** [Not available]

### Combined Filings

FR Document: [2018-13196](#)

[PDF](#) Page 28633 (1 page)

Citation: 83 FR 28633

[Permalink](#)

**Abstract:** [Not available]

FR Document: [2018-13197](#)

[PDF](#) Pages 28630-28631 (2 pages)

Citation: 83 FR 28630

[Permalink](#)

**Abstract:** [Not available]

FR Document: [2018-13198](#)

[PDF](#) Page 28637 (1 page)

Citation: 83 FR 28637

[Permalink](#)

**Abstract:** *[Not available]*

**FR Document:** [2018-13199](#)

**Citation:** 83 FR 28638

**Abstract:** *[Not available]*

[PDF](#) Page 28638 (1 page)

[Permalink](#)

### **Designations of Commission Staff as Non-Decisional:**

**White Cliffs Pipeline, LLC**

**FR Document:** [2018-13207](#)

**Citation:** 83 FR 28639

**Abstract:** *[Not available]*

[PDF](#) Page 28639 (1 page)

[Permalink](#)

### **Environmental Assessments; Availability, etc.:**

**Sierrita Gas Pipeline, LLC, Sierrita Compressor Expansion Project**

**FR Document:** [2018-13193](#)

**Citation:** 83 FR 28636

**Abstract:** *[Not available]*

[PDF](#) Page 28636 (1 page)

[Permalink](#)

### **Guidance:**

**Document Labelling Guidance for Documents Submitted to or Filed with the Commission or Commission Staff**

**FR Document:** [2018-13206](#)

**Citation:** 83 FR 28631

**Abstract:** *[Not available]*

[PDF](#) Page 28631 (1 page)

[Permalink](#)

### **Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:**

**64KT 8me, LLC**

**FR Document:** [2018-13203](#)

**Citation:** 83 FR 28631

**Abstract:** *[Not available]*

[PDF](#) Page 28631 (1 page)

[Permalink](#)

**CFE International, LLC**

**FR Document:** [2018-13205](#)

**Citation:** 83 FR 28637

**Abstract:** *[Not available]*

[PDF](#) Page 28637 (1 page)

[Permalink](#)

**Cheekerton, LLC**

**FR Document:** [2018-13202](#)

**Citation:** 83 FR 28638

[PDF](#) Pages 28638-28639 (2 pages)

[Permalink](#)

**Abstract:** *[Not available]*

**Langdon Renewables, LLC**

**FR Document:** [2018-13201](#)

**Citation:** 83 FR 28640

**Abstract:** *[Not available]*

[PDF](#) Page 28640 (1 page)

[Permalink](#)

**Meadowlark Wind I, LLC**

**FR Document:** [2018-13204](#)

**Citation:** 83 FR 28637

**Abstract:** *[Not available]*

[PDF](#) Pages 28637-28638 (2 pages)

[Permalink](#)

**Meetings; Sunshine Act**

**FR Document:** [2018-13195](#)

**Citation:** 83 FR 28631

**Abstract:** *[Not available]*

[PDF](#) Pages 28631-28633 (3 pages)

[Permalink](#)

**Post-Technical Conference Comments:**

**Old Dominion Electric Coop. v. PJM Interconnection, LLC;**

**Advanced Energy Management Alliance v. PJM**

**Interconnection, LLC**

**FR Document:** [2018-13194](#)

**Citation:** 83 FR 28633

**Abstract:** *[Not available]*

[PDF](#) Pages 28633-28635 (3 pages)

[Permalink](#)

## [Federal Maritime Commission](#)

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### **Notice**

**Agreements Filed**

**FR Document:** [2018-13247](#)

**Citation:** 83 FR 28640

**Abstract:** *[Not available]*

[PDF](#) Page 28640 (1 page)

[Permalink](#)

## [Federal Railroad Administration](#)

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### **Notice**

**Petitions for Waivers of Compliance**

**FR Document:** [2018-13218](#)

**Citation:** 83 FR 28757

**Abstract:** *[Not available]*

[PDF](#) Pages 28757-28758 (2 pages)

[Permalink](#)

**FR Document:** [2018-13219](#)

**Citation:** 83 FR 28757

[PDF](#) Page 28757 (1 page)

[Permalink](#)

**Abstract:** *[Not available]*

## Federal Reserve System

### Rule

#### **Regulation A: Extensions of Credit by Federal Reserve Banks**

**FR Document:** [2018-13270](#) [PDF](#) Pages 28526-28527 (2 pages)

**Citation:** 83 FR 28526 [Permalink](#)

**Abstract:** The Board of Governors of the Federal Reserve System ("Board") has adopted final amendments to its Regulation A to reflect the Board's approval of an increase in the rate for primary credit at each Federal Reserve Bank. The secondary credit rate...

#### **Regulation D: Reserve Requirements of Depository**

##### **Institutions**

**FR Document:** [2018-13267](#) [PDF](#) Pages 28527-28528 (2 pages)

**Citation:** 83 FR 28527 [Permalink](#)

**Abstract:** The Board of Governors of the Federal Reserve System ("Board") is amending Regulation D (Reserve Requirements of Depository Institutions) to revise the rate of interest paid on balances maintained to satisfy reserve balance requirements...

### Notice

#### **Agency Information Collection Activities; Proposals, Submissions, and Approvals**

**FR Document:** [2018-13173](#) [PDF](#) Pages 28640-28641 (2 pages)

**Citation:** 83 FR 28640 [Permalink](#)

**Abstract:** The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Recordkeeping and Disclosure Requirements Associated with Consumer Financial Protection Bureau's (CFPB) Regulation M...

#### **Formations of, Acquisitions by, and Mergers of Bank Holding Companies**

**FR Document:** [2018-13157](#) [PDF](#) Page 28642 (1 page)

**Citation:** 83 FR 28642 [Permalink](#)

**Abstract:** *[Not available]*

#### **Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies**

**FR Document:** [2018-13158](#) [PDF](#) Pages 28641-28642 (2 pages)

**Citation:** 83 FR 28641 [Permalink](#)

**Abstract:** *[Not available]*

## Federal Retirement Thrift Investment Board

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### Notice

#### Meetings; Sunshine Act

**FR Document:** [2018-13381](#)

**Citation:** 83 FR 28642

**Abstract:** *[Not available]*

[PDF](#) Page 28642 (1 page)

[Permalink](#)

## Federal Trade Commission

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### Notice

#### Early Terminations of Waiting Periods under Premerger

##### Notification Rules

**FR Document:** [2018-13188](#)

**Citation:** 83 FR 28644

**Abstract:** *[Not available]*

[PDF](#) Pages 28644-28647 (4 pages)

[Permalink](#)

**FR Document:** [2018-13189](#)

**Citation:** 83 FR 28642

**Abstract:** *[Not available]*

[PDF](#) Pages 28642-28644 (3 pages)

[Permalink](#)

#### Proposed Consent Agreements:

CRH plc.

**FR Document:** [2018-13190](#)

**Citation:** 83 FR 28647

**Abstract:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent...

[PDF](#) Pages 28647-28650 (4 pages)

[Permalink](#)

## Fish and Wildlife Service

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### Notice

#### Endangered Species Permits

**FR Document:** [2018-13209](#)

**Citation:** 83 FR 28654

**Abstract:** We, the U.S. Fish and Wildlife Service, have issued permits to conduct activities with endangered and threatened species under the authority of the Endangered Species Act, as amended (ESA). With some exceptions, the ESA prohibits activities...

[PDF](#) Pages 28654-28655 (2 pages)

[Permalink](#)

## Food and Drug Administration

### Notice

#### Guidance:

##### **Mitigation Strategies to Protect Food against Intentional Adulteration**

**FR Document:** [2018-13222](#) [PDF](#) Pages 28651-28652 (2 pages)

**Citation:** 83 FR 28651 [Permalink](#)

**Abstract:** The Food and Drug Administration (FDA, we, or Agency) is announcing the availability of a draft guidance for industry entitled "Mitigation Strategies to Protect Food Against Intentional Adulteration: Guidance for Industry." This draft guidance...

## Forest Service

### Notice

#### **Agency Information Collection Activities; Proposals, Submissions, and Approvals:**

##### **Community Forest and Open Space Program**

**FR Document:** [2018-13261](#) [PDF](#) Page 28607 (1 page)

**Citation:** 83 FR 28607 [Permalink](#)

**Abstract:** In accordance with the Paperwork Reduction Act of 1995, the Forest Service (FS) is seeking comments from all interested individuals and organizations on the extension with no revision of a currently approved information collection; Community...

#### **Environmental Impact Statements; Availability, etc.:**

##### **Idaho (Boise, Caribou-Targhee, Salmon-Challis, and Sawtooth National Forests, et al.**

**FR Document:** [2018-13260](#) [PDF](#) Pages 28608-28610 (3 pages)

**Citation:** 83 FR 28608 [Permalink](#)

**Abstract:** This supplemental notice solicits public comments on a greater sage-grouse land management proposed action that could warrant land management plan amendments. Land management plans for National Forests and Grasslands in Idaho, Montana, Nevada,...

#### **Land Management Plans:**

##### **Santa Fe National Forest, New Mexico**

**FR Document:** [2018-13257](#) [PDF](#) Pages 28607-28608 (2 pages)

**Citation:** 83 FR 28607 [Permalink](#)

**Abstract:** James Melonas, the Forest Supervisor for the Santa Fe National Forest, Southwest Region, signed the final Record of Decision (ROD) for

the amendment to the Santa Fe National Forest Land and Resource Management Plan (Forest Plan Amendment). The...

**FR Document:** [2018-13259](#)

[PDF](#) Page 28608 (1 page)

**Citation:** 83 FR 28608

[Permalink](#)

**Abstract:** James Melonas, the Forest Supervisor for the Santa Fe National Forest, Southwest Region, signed the final Record of Decision (ROD) for the amendment to the Santa Fe National Forest Land and Resource Management Plan (Forest Plan Amendment). The...

## General Services Administration

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### Proposed Rule

#### Public Availability of Agency Records and Informational Materials

**FR Document:** [2018-13105](#)

[PDF](#) Pages 28592-28603 (12 pages)

**Citation:** 83 FR 28592

[Permalink](#)

**Abstract:** The General Services Administration (GSA) is issuing a proposed rule to amend its regulations implementing the Freedom of Information Act (FOIA). The regulations are being revised to update and streamline the language of several procedural...

## Health and Human Services Department

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### Notice

#### Meetings:

##### National Committee on Vital and Health Statistics

**FR Document:** [2018-13179](#)

[PDF](#) Page 28652 (1 page)

**Citation:** 83 FR 28652

[Permalink](#)

**Abstract:** [Not available]

## Housing and Urban Development Department

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### Proposed Rule

#### Reconsideration of Implementation of Fair Housing Act's Disparate Impact Standard

**FR Document:** [2018-13340](#)

[PDF](#) Pages 28560-28562 (3 pages)

**Citation:** 83 FR 28560

[Permalink](#)

**Abstract:** This advance notice of proposed rulemaking (ANPR) invites public comment on possible amendments to HUD's 2013 final rule implementing the Fair Housing Act's disparate impact standard, as well as the 2016 supplement to HUD's responses to certain...

## Industry and Security Bureau

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### Notice

#### Meetings:

##### **Sensors and Instrumentation Technical Advisory Committee**

**FR Document:** [2018-13174](#)

**Citation:** 83 FR 28622

**Abstract:** *[Not available]*

[PDF](#) Pages 28622-28623 (2 pages)

[Permalink](#)

## Interior Department

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### Notice

#### Requests for Nominations:

##### **Yakima River Basin Conservation Advisory Group**

**FR Document:** [2018-13268](#)

**Citation:** 83 FR 28655

**Abstract:** The U.S. Department of the Interior proposes to appoint members to the Yakima River Basin Conservation Advisory Group (CAG). The Secretary of the Interior, acting as administrative lead, is requesting nominations for qualified persons to serve as...

[PDF](#) Pages 28655-28656 (2 pages)

[Permalink](#)

## International Trade Commission

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### Notice

#### Investigations; Determinations, Modifications, and Rulings, etc.:

##### **Certain Collapsible Sockets for Mobile Electronic Devices and Components Thereof**

**FR Document:** [2018-13192](#)

**Citation:** 83 FR 28659

**Abstract:** Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 of the Tariff Act of 1930, as amended, in this investigation. The Commission has issued a general exclusion order prohibiting the unlicensed...

[PDF](#) Pages 28659-28660 (2 pages)

[Permalink](#)

##### **Certain Graphics Systems, Components Thereof, and Consumer Products Containing Same**

**FR Document:** [2018-13191](#)

**Citation:** 83 FR 28660

**Abstract:** Notice is hereby given that the U.S. International Trade

[PDF](#) Pages 28660-28662 (3 pages)

[Permalink](#)

Commission has determined to review in part a final initial determination ("FID") of the presiding administrative law judge ("ALJ") finding a violation of section 337 the Tariff Act of...

### **Generalized System of Preferences: Possible**

#### **Modifications, 2017 Review**

**FR Document:** [2018-13176](#) [PDF](#) Pages 28662-28663 (2 pages)

**Citation:** 83 FR 28662 [Permalink](#)

**Abstract:** Following receipt on June 6, 2018 of a correction to the United States Trade Representative's (USTR) request letter of May 18, 2018, the U.S. International Trade Commission (Commission) has amended the scope of its investigation No. 332-567,...

## **Land Management Bureau**

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### **Notice**

#### **Agency Information Collection Activities; Proposals, Submissions, and Approvals:**

##### **Cave Management: Cave Nominations and Confidential Information**

**FR Document:** [2018-13245](#) [PDF](#) Pages 28658-28659 (2 pages)

**Citation:** 83 FR 28658 [Permalink](#)

**Abstract:** In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Land Management (BLM), are proposing to renew an information collection with revisions.

#### **Applications:**

##### **Recordable Disclaimer of Interest for Lands Underlying Taku River in Alaska**

**FR Document:** [2018-13243](#) [PDF](#) Pages 28657-28658 (2 pages)

**Citation:** 83 FR 28657 [Permalink](#)

**Abstract:** The State of Alaska has filed an application with the Bureau of Land Management (BLM) for a Recordable Disclaimer of Interest (RDI) from the United States in those lands underlying the Taku River located in southeast Alaska. The State of Alaska...

#### **Environmental Impact Statements; Availability, etc.:**

##### **Proposed Burning Man Event 10-year Special Recreation Permit, Pershing County, NV**

**FR Document:** [2018-13244](#) [PDF](#) Pages 28656-28657 (2 pages)

**Citation:** 83 FR 28656 [Permalink](#)

**Abstract:** In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Black Rock Field Office, Winnemucca, Nevada intends to...

## National Institutes of Health

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### Notice

#### Meetings:

##### Center for Scientific Review

**FR Document:** [2018-13262](#)

**Citation:** 83 FR 28653

**Abstract:** *[Not available]*

[PDF](#) Pages 28653-28654 (2 pages)

[Permalink](#)

##### National Cancer Institute

**FR Document:** [2018-13263](#)

**Citation:** 83 FR 28652

**Abstract:** *[Not available]*

[PDF](#) Pages 28652-28653 (2 pages)

[Permalink](#)

##### National Institute of Diabetes and Digestive and Kidney Diseases

**FR Document:** [2018-13264](#)

**Citation:** 83 FR 28654

**Abstract:** *[Not available]*

[PDF](#) Page 28654 (1 page)

[Permalink](#)

##### National Institute of General Medical Sciences

**FR Document:** [2018-13265](#)

**Citation:** 83 FR 28653

**Abstract:** *[Not available]*

[PDF](#) Page 28653 (1 page)

[Permalink](#)

## National Oceanic and Atmospheric Administration

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### Rule

#### Fisheries of the Northeastern United States:

##### Atlantic Herring Fishery; Adjustments to 2018 Management Area Annual Catch Limits; Correction

**FR Document:** [2018-13250](#)

**Citation:** 83 FR 28545

**Abstract:** The final rule adjusting the 2018 management area annual catch limits for the herring fishery published in the Federal Register on February 15, 2018. That rule contained several errors and this document corrects those errors. This action is...

[PDF](#) Pages 28545-28546 (2 pages)

[Permalink](#)

## Proposed Rule

### Fisheries of the Exclusive Economic Zone Off Alaska:

#### Yellowfin Sole Management in Groundfish Fisheries of Bering Sea and Aleutian Islands; Correction

FR Document: [2018-13249](#) [PDF](#) Pages 28604-28606 (3 pages)

Citation: 83 FR 28604 [Permalink](#)

**Abstract:** NMFS is correcting a proposed rule that published on June 6, 2018, that would limit access to the Bering Sea and Aleutian Islands (BSAI) Trawl Limited Access Sector (TLAS) yellowfin sole directed fishery by vessels that deliver their catch of...

## National Science Foundation

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### Notice

#### Requests for Information:

#### Environmental Research and Education, National Security, and Economic Competitiveness

FR Document: [2018-13213](#) [PDF](#) Pages 28668-28669 (2 pages)

Citation: 83 FR 28668 [Permalink](#)

**Abstract:** The purpose of this Request for Information (RFI) is to seek input from the public on possible future directions for fundamental environmental science and education. The RFI intends to gather views from external stakeholders on what environmental...

## National Telecommunications and Information Administration

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### Notice

#### Meetings:

#### Commerce Spectrum Management Advisory Committee

FR Document: [2018-13238](#) [PDF](#) Page 28623 (1 page)

Citation: 83 FR 28623 [Permalink](#)

**Abstract:** This notice announces a public meeting of the Commerce Spectrum Management Advisory Committee (Committee). The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information and the National Telecommunications...

## Navy Department

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### Notice

#### Government-Owned Inventions; Available for Licensing

FR Document: [2018-13215](#) [PDF](#) Page 28626 (1 page)

**Citation:** 83 FR 28626

[Permalink](#)

**Abstract:** The invention listed below is assigned to the United States (U.S.) Government as represented by the Secretary of the Navy and is available for licensing by the Department of the Navy. U.S. Patent Application Number 15/474,374 entitled...

## Occupational Safety and Health Administration

### **Proposed Rule**

#### **Cranes and Derricks in Construction; Operator Qualification**

**FR Document:** [2018-13280](#) [PDF](#) Pages 28562-28563 (2 pages)

**Citation:** 83 FR 28562

[Permalink](#)

**Abstract:** On May 21, 2018, OSHA published a notice of proposed rulemaking (NPRM) titled "Cranes and Derricks in Construction: Operator Qualification." The period for submitting public comments is being extended by 15 days to allow parties affected by the...

## Postal Regulatory Commission

### **Notice**

#### **New Postal Products**

**FR Document:** [2018-13252](#) [PDF](#) Pages 28669-28670 (2 pages)

**Citation:** 83 FR 28669

[Permalink](#)

**Abstract:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

## Postal Service

### **Notice**

#### **Product Changes:**

##### **Parcel Select Negotiated Service Agreement**

**FR Document:** [2018-13185](#) [PDF](#) Page 28670 (1 page)

**Citation:** 83 FR 28670

[Permalink](#)

**Abstract:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

##### **Priority Mail and First-Class Package Service Negotiated Service Agreement**

**FR Document:** [2018-13180](#) [PDF](#) Page 28670 (1 page)

**Citation:** 83 FR 28670

[Permalink](#)

**Abstract:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

**FR Document:** [2018-13181](#)

[PDF](#) Pages 28670-28671 (2 pages)

**Citation:** 83 FR 28670

[Permalink](#)

**Abstract:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

### **Priority Mail Express, Priority Mail, and First-Class Package Service Negotiated Service Agreement**

**FR Document:** [2018-13186](#)

[PDF](#) Page 28671 (1 page)

**Citation:** 83 FR 28671

[Permalink](#)

**Abstract:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

### **Priority Mail Negotiated Service Agreement**

**FR Document:** [2018-13182](#)

[PDF](#) Page 28670 (1 page)

**Citation:** 83 FR 28670

[Permalink](#)

**Abstract:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

**FR Document:** [2018-13183](#)

[PDF](#) Page 28670 (1 page)

**Citation:** 83 FR 28670

[Permalink](#)

**Abstract:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

**FR Document:** [2018-13184](#)

[PDF](#) Page 28670 (1 page)

**Citation:** 83 FR 28670

[Permalink](#)

**Abstract:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

## [Rural Housing Service](#)

## Proposed Rule

### Single Family Housing Guaranteed Loan Program

FR Document: [2018-13154](#)

[PDF](#) Pages 28547-28550 (4 pages)

Citation: 83 FR 28547

[Permalink](#)

**Abstract:** The Rural Housing Service (RHS or Agency) proposes to amend the current regulation for the Single Family Housing Guaranteed Loan Program (SFHGLP) on the subject of Single Close Combination Construction to Permanent Loans. The Agency proposes to...

## Rural Utilities Service

### Notice

#### Grant and Loan Application Deadlines; Announcements

FR Document: [2018-13235](#)

[PDF](#) Pages 28616-28622 (7 pages)

Citation: 83 FR 28616

[Permalink](#)

**Abstract:** The Rural Utilities Service (RUS) announces its Revolving Fund Program (RFP) application window and funds availability for Fiscal Year (FY) 2018. The Agency will make available \$1,000,000 in grant funds to qualified private, non-profit...

#### Grant Application Deadlines and Funding Levels; Announcements

FR Document: [2018-13237](#)

[PDF](#) Pages 28610-28616 (7 pages)

Citation: 83 FR 28610

[Permalink](#)

**Abstract:** The Rural Utilities Service (RUS) announces its Household Water Well System (HWWS) Grant Program funds availability and solicitation of applications application window for fiscal year (FY) 2018. RUS will make available \$993,000 in grant funds to...

## Securities and Exchange Commission

### Notice

#### Applications:

**Sprott ETF Trust and Sprott Asset Management USA, Inc.**

FR Document: [2018-13217](#)

[PDF](#) Pages 28697-28699 (3 pages)

Citation: 83 FR 28697

[Permalink](#)

**Abstract:** [Not available]

#### Self-Regulatory Organizations; Proposed Rule Changes:

**Cboe BYX Exchange, Inc.**

FR Document: [2018-13167](#)

[PDF](#) Pages 28684-28685 (2 pages)

Citation: 83 FR 28684

[Permalink](#)

**Abstract:** *[Not available]*

**Cboe BZX Exchange, Inc.**

**FR Document:** [2018-13159](#)

**Citation:** 83 FR 28685

**Abstract:** *[Not available]*

[PDF Pages 28685-28687 \(3 pages\)](#)

[Permalink](#)

**FR Document:** [2018-13164](#)

**Citation:** 83 FR 28694

**Abstract:** *[Not available]*

[PDF Pages 28694-28695 \(2 pages\)](#)

[Permalink](#)

**FR Document:** [2018-13168](#)

**Citation:** 83 FR 28675

**Abstract:** *[Not available]*

[PDF Pages 28675-28677 \(3 pages\)](#)

[Permalink](#)

**Cboe EDGX Exchange, Inc.**

**FR Document:** [2018-13160](#)

**Citation:** 83 FR 28695

**Abstract:** *[Not available]*

[PDF Pages 28695-28697 \(3 pages\)](#)

[Permalink](#)

**Nasdaq GEMX, LLC**

**FR Document:** [2018-13170](#)

**Citation:** 83 FR 28699

**Abstract:** *[Not available]*

[PDF Pages 28699-28701 \(3 pages\)](#)

[Permalink](#)

**Nasdaq ISE, LLC**

**FR Document:** [2018-13161](#)

**Citation:** 83 FR 28681

**Abstract:** *[Not available]*

[PDF Pages 28681-28684 \(4 pages\)](#)

[Permalink](#)

**FR Document:** [2018-13171](#)

**Citation:** 83 FR 28705

**Abstract:** *[Not available]*

[PDF Pages 28705-28707 \(3 pages\)](#)

[Permalink](#)

**Nasdaq MRX, LLC**

**FR Document:** [2018-13169](#)

**Citation:** 83 FR 28677

**Abstract:** *[Not available]*

[PDF Pages 28677-28678 \(2 pages\)](#)

[Permalink](#)

**Nasdaq Stock Market, LLC**

**FR Document:** [2018-13163](#)

**Citation:** 83 FR 28678

**Abstract:** *[Not available]*

[PDF Pages 28678-28681 \(4 pages\)](#)

[Permalink](#)

### **New York Stock Exchange, LLC**

**FR Document:** [2018-13162](#)

**Citation:** 83 FR 28701

**Abstract:** *[Not available]*

[PDF](#) Pages 28701-28705 (5 pages)

[Permalink](#)

### **NYSE Arca, Inc.**

**FR Document:** [2018-13172](#)

**Citation:** 83 FR 28689

**Abstract:** *[Not available]*

[PDF](#) Pages 28689-28694 (6 pages)

[Permalink](#)

### **NYSE National, Inc.**

**FR Document:** [2018-13165](#)

**Citation:** 83 FR 28671

**Abstract:** *[Not available]*

[PDF](#) Pages 28671-28675 (5 pages)

[Permalink](#)

**FR Document:** [2018-13166](#)

**Citation:** 83 FR 28687

**Abstract:** *[Not available]*

[PDF](#) Pages 28687-28689 (3 pages)

[Permalink](#)

## **State Department**

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### **Notice**

#### **Privacy Act; Systems of Records**

**FR Document:** [2018-13212](#)

**Citation:** 83 FR 28707

**Abstract:** Information in the Legal Adviser's Case Management Records is used to provide or facilitate the provision of legal advice and opinion to the offices of the Department of State and to facilitate defense or representation of the Department in...

[PDF](#) Pages 28707-28709 (3 pages)

[Permalink](#)

## **Surface Transportation Board**

---

### **Notice**

#### **Trackage Rights Exemptions:**

**New Orleans Public Belt Railroad Corp.; Illinois Central Railroad Co.**

**FR Document:** [2018-13156](#)

**Citation:** 83 FR 28709

**Abstract:** *[Not available]*

[PDF](#) Pages 28709-28710 (2 pages)

[Permalink](#)

## **Trade Representative, Office of United States**

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### **Notice**

## Requests for Comments:

### Proposed Determination of Action Pursuant to Section 301: China's Acts, Policies, and Practices Related to

### Technology Transfer, Intellectual Property, and Innovation

FR Document: [2018-13248](#) [PDF](#) Pages 28710-28756 (47 pages)

Citation: 83 FR 28710 [Permalink](#)

**Abstract:** The U.S. Trade Representative (Trade Representative) has determined that appropriate action in this investigation includes the imposition of an additional ad valorem duty of 25 percent on products from China classified in the subheadings of the...

## Transportation Department

### Notice

#### Agency Information Collection Activities; Proposals, Submissions, and Approvals:

##### Safety Management Systems for Certificate Holders

FR Document: [2018-13242](#) [PDF](#) Pages 28758-28759 (2 pages)

Citation: 83 FR 28758 [Permalink](#)

**Abstract:** The DOT invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection used to support the analysis of safety data as part of a Safety Management System required for...

## Treasury Department

### Proposed Rule

#### Gulf Coast Restoration Trust Fund

FR Document: [2018-13227](#) [PDF](#) Pages 28563-28566 (4 pages)

Citation: 83 FR 28563 [Permalink](#)

**Abstract:** The Department of the Treasury (Treasury) proposes to amend its rules to revise the method by which the statutory three percent limitation on administrative costs (referred to throughout this notice of proposed rulemaking (NPRM) as the "three...

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**[EXTERNAL] CEQ / Update to the Regulations for Implementing  
the Procedural Provisions of the National Environmental Policy  
Act, Docket ID No. CEQ-2018-0001**

---

**From:** "Pais, Sheri (Perkins Coie)" <spais@perkinscoie.com>  
**To:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Cc:** "Baur, Don (Perkins Coie)" <dbaur@perkinscoie.com>, mcarlin@swater.org  
**Date:** Thu, 28 Jun 2018 09:31:10 -0400  
**Attachments:** 2018.06.27 WUWC Letter Requesting Extentsion on ANPRM Period.pdf (41.39 kB)

Mr. Boling,

Attached please find a copy of a letter we submitted on the regulations.gov docket yesterday, for the Western Urban Water Coalition (WUWC), requesting a 60-day extension of the comment period for the above referenced docket.

Thank you for your consideration of this letter and please let us know if you have any questions.

Best,

Sheri

**Sheri Pais | Perkins Coie LLP**  
SENIOR PARALEGAL  
700 Thirteenth Street, N.W. Suite 600  
Washington, DC 20005-3960  
D. +1.202.654.1735  
F. +1.202.654.6211  
E. [SPais@perkinscoie.com](mailto:SPais@perkinscoie.com)

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June 27, 2018

**Submitted via Federal eRulemaking Portal**

**<http://www.regulations.gov/>**

Edward A. Boling  
Associate Director for the National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place NW  
Washington, D.C. 20503

**Re: Request for 60-day extension of comment period on advance notice of proposed rulemaking: Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, Docket ID No. CEQ-2018-0001**

The Western Urban Water Coalition (“WUWC”) requests a 60-day extension of the comment period on the Council on Environmental Quality’s (“CEQ”) advance notice of proposed rulemaking (“ANPRM”) to update its implementing regulations for the procedural provisions of the National Environmental Policy Act (“NEPA”). 83 Fed. Reg. 28591 (June 20, 2018). We thank CEQ for taking the time to update its implementing regulations, but believe that additional time is needed for the public to provide meaningful comments.

Created in June 1992 to address the West’s unique water issues, WUWC consists of the largest urban water utilities in the West, serving over 40 million western water consumers in major metropolitan areas in the western states. The membership of WUWC includes the following urban water utilities:

- *Arizona* – Central Arizona Project, City of Phoenix and Salt River Project;
- *California* – Eastern Municipal Water District, Los Angeles Department of Water and Power, The Metropolitan Water District of Southern California, San Diego County Water Authority, and City and County of San Francisco Public Utilities Commission;
- *Colorado* – Aurora Water, Colorado Springs Utilities, and Denver Water;
- *Nevada* – Las Vegas Valley Water District, Southern Nevada Water Authority, and Truckee Meadows Water Authority;
- *New Mexico* – Albuquerque Bernalillo County Water Utility Authority; and
- *Washington* – Seattle Public Utilities.

WUWC is committed to presenting a new and different perspective on the management of water resources in the modern West. WUWC articulates the needs and values of Western cities to provide a reliable, high quality urban water supply for present and future generations. As operators of public supply systems, WUWC members serve the health, environmental, and

economic needs of their communities around the clock and every day of the year. WUWC advocates for effective and practicable approaches to the implementation of environmental protection programs in a time when water is becoming more scarce and critical to the West's sustainability.

WUWC has been very active in legislative and regulatory initiatives related to NEPA throughout its 26-year history. We have appeared before congressional committees, met with federal agencies, and commented during many CEQ guidance procedures. Consistent with this involvement, WUWC intends to submit comments on the ANPRM, but requests that CEQ extend the comment period from 30 to 90 days. NEPA can be an important tool in helping federal agencies to address environmental effects and facilitate informed decision-making. The ANPRM addresses many broad and complex issues and covers regulations that have in been in place since 1978. These issues must be reviewed and commented on by a substantial number of parties with relevant expertise in environmental analysis based on decades of experience on a wide range of NEPA issues. CEQ will deprive itself of important and informative comments if it allows only a 30-day comment period. In addition to matters of procedure, the twenty questions posed by CEQ address important, fundamental questions regarding the reach and application of NEPA that, in our view require more than 30 days to address. WUWC therefore feels that a 90-day comment period is more appropriate to better assist CEQ in meaningfully updating the regulations.

We appreciate the opportunity to provide comments on the ANPRM. If you have any questions regarding this request to extend the comment period from 30 days to 90 days, please contact Don Baur of Perkins Coie, LLP at (202) 654-6234, dbaur@perkinscoie.com or me at (415) 934-5787, mcarlin@sfwater.org.

Sincerely,



Michael P. Carlin  
Chairman

cc: Donald C. Baur  
Perkins Coie LLP  
700 Thirteenth St., NW, Suite 600  
Washington, D.C. 20005

## For Review: Revised ANPRM Comment Extension

---

**From:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Date:** Mon, 02 Jul 2018 21:51:08 -0400  
**Attachments:** CEQ NEPA ANPRM\_Comment Period Extension\_07022018.docx (43.24 kB)

---

Mary and Viktoria,

Please find attached a revised version of the CEQ ANPRM Comment Extension.

Let me know if you have any questions.

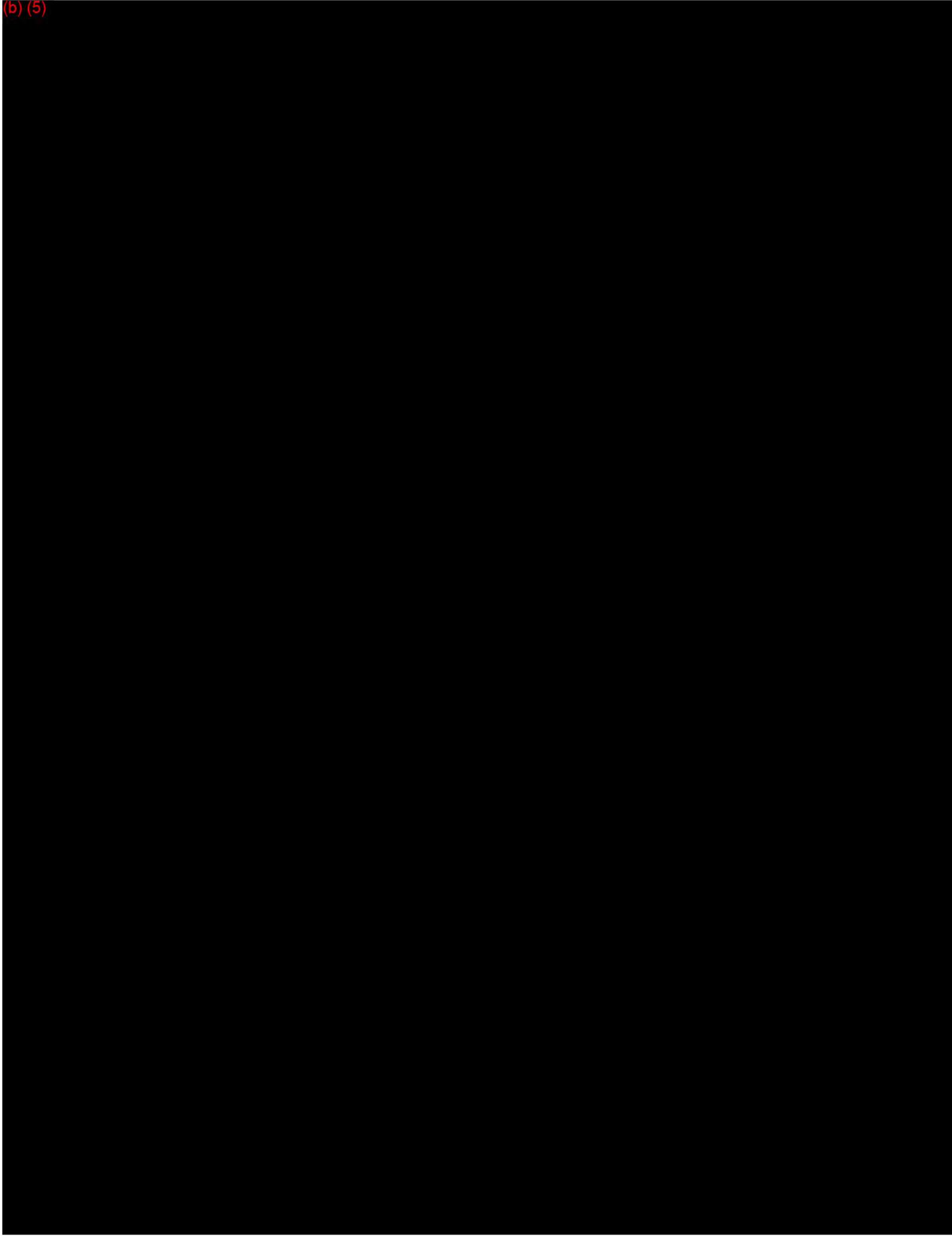
Thanks.

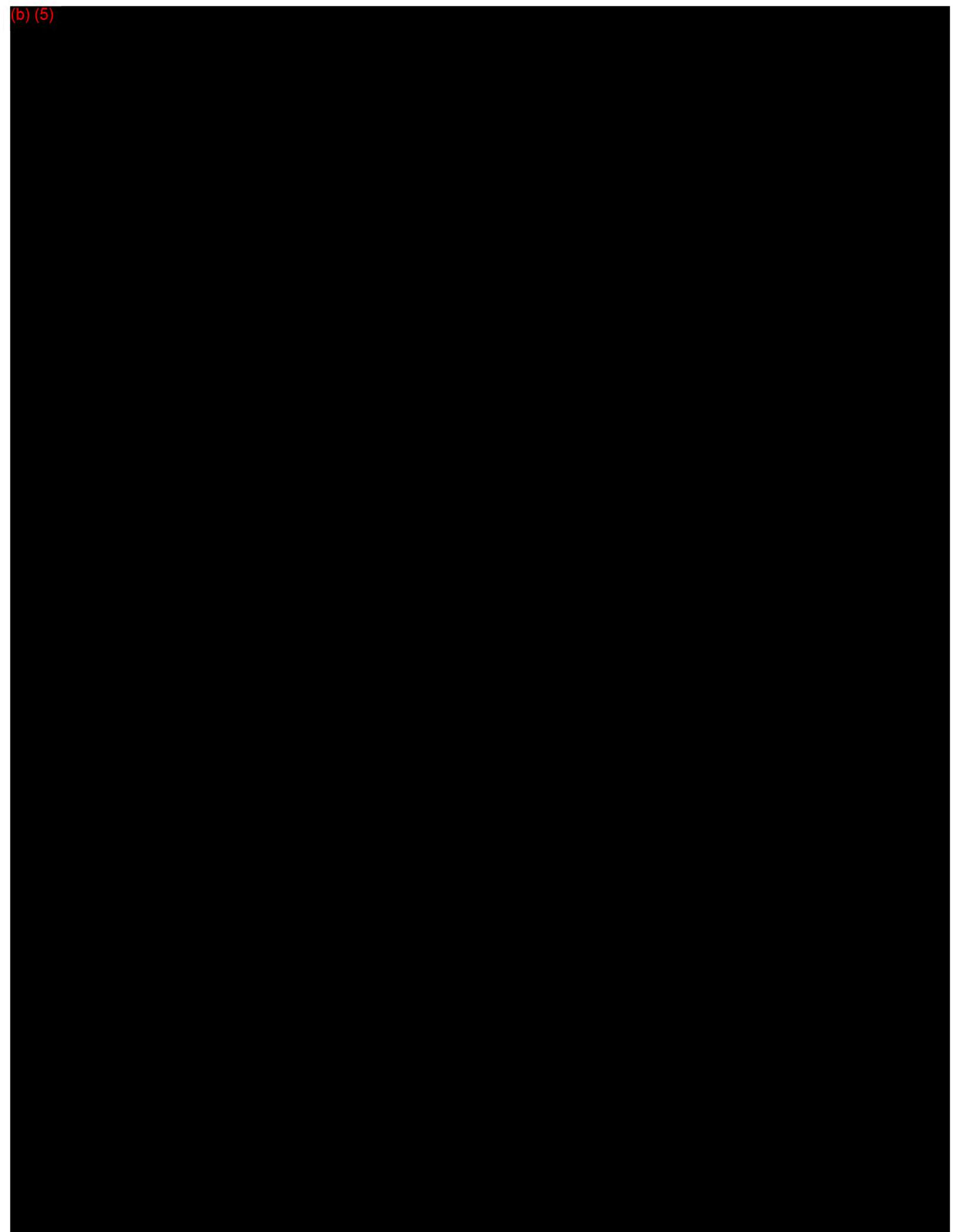
**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality

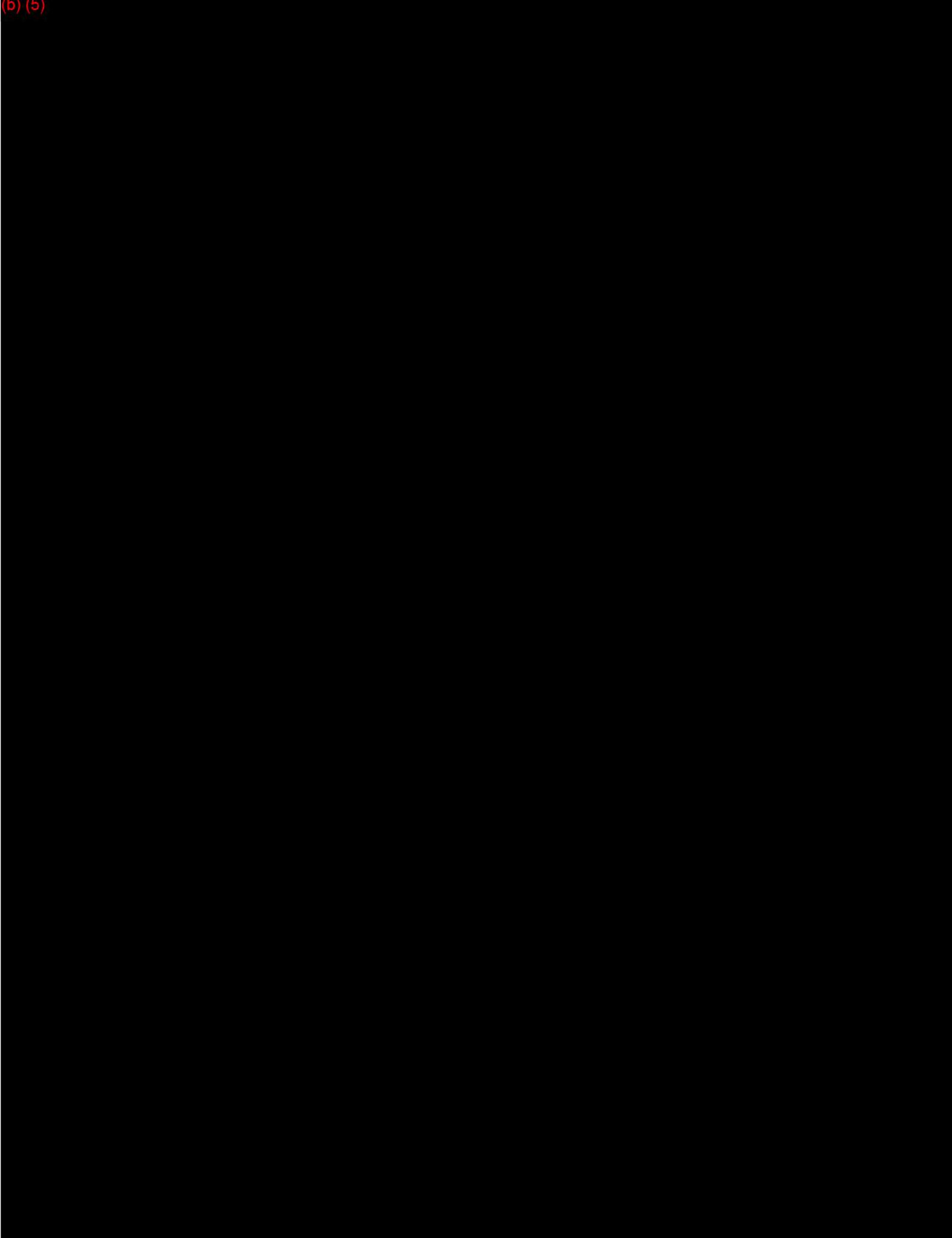
(b) (6) (Desk)

(b) (6) (Cell)

(b) (6)







## RE: For Review: Revised ANPRM Comment Extension

---

**From:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 03 Jul 2018 16:06:48 -0400  
**Attachments:** CEQ NEPA ANPRM\_Comment Period Extension\_07022018 Edits 7 3 18.docx (43.35 kB)

Minor suggested edits attached.

Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)

**From:** Szabo, Aaron L. EOP/CEQ  
**Sent:** Monday, July 2, 2018 9:51 PM  
**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Subject:** For Review: Revised ANPRM Comment Extension

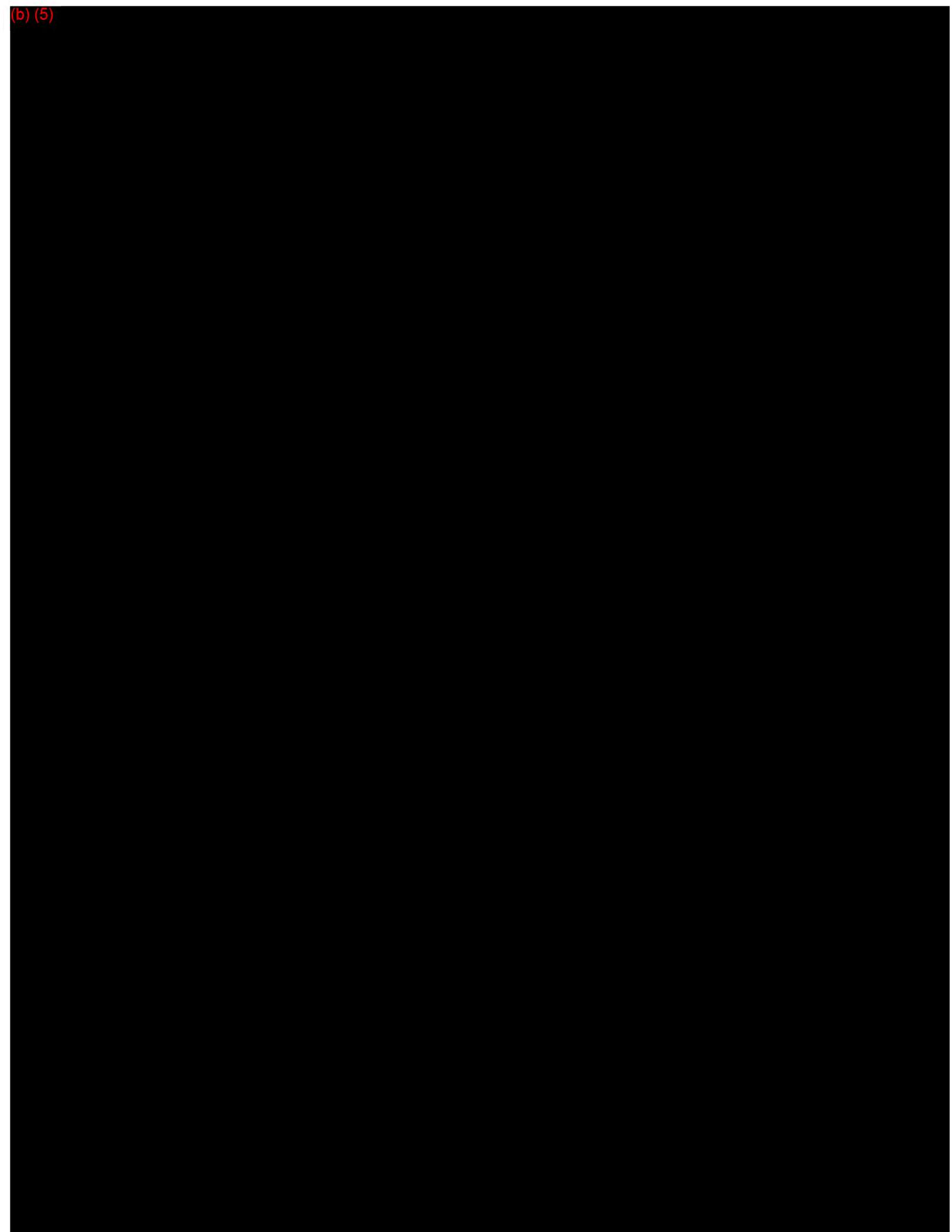
Mary and Viktoria,

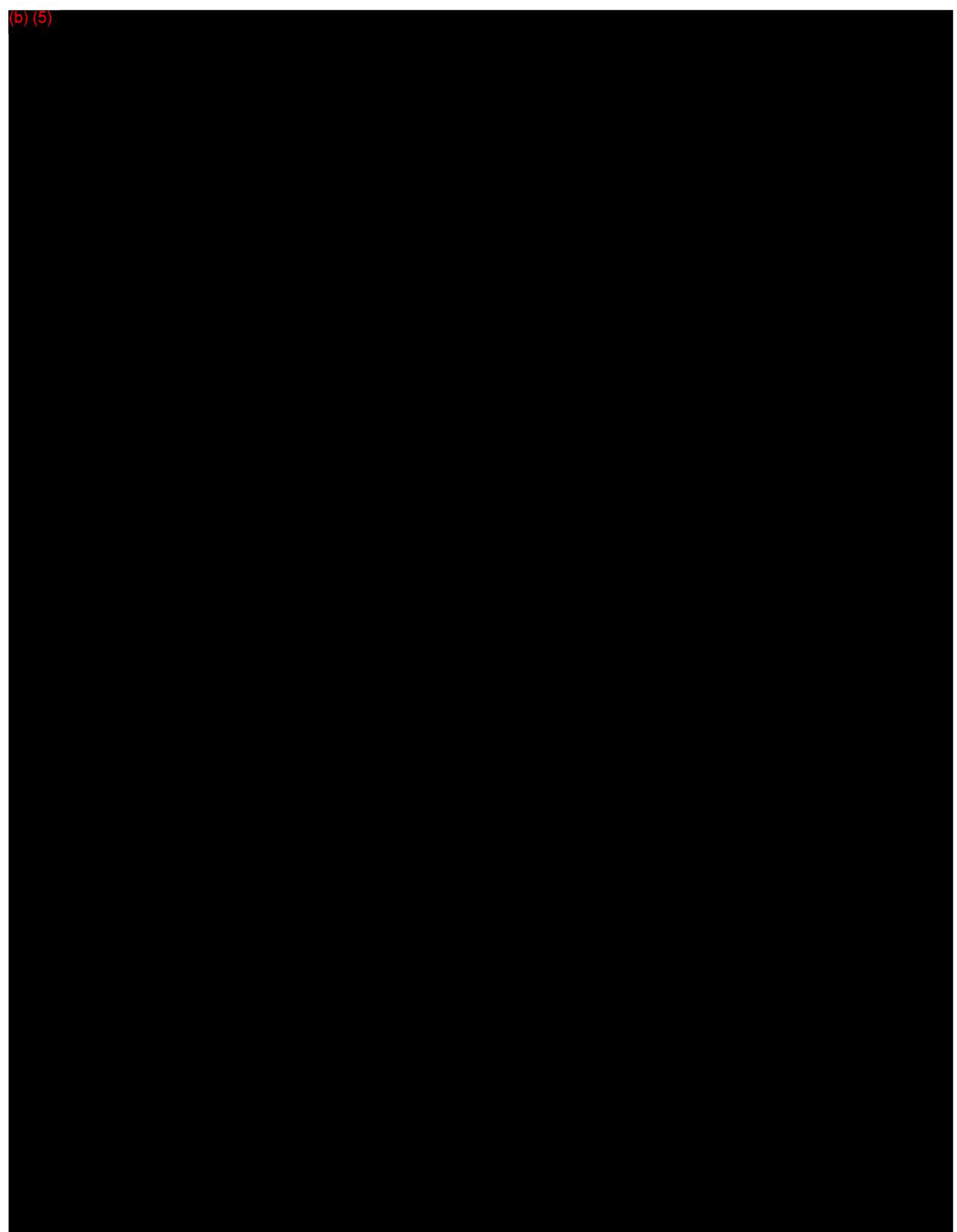
Please find attached a revised version of the CEQ ANPRM Comment Extension.

Let me know if you have any questions.

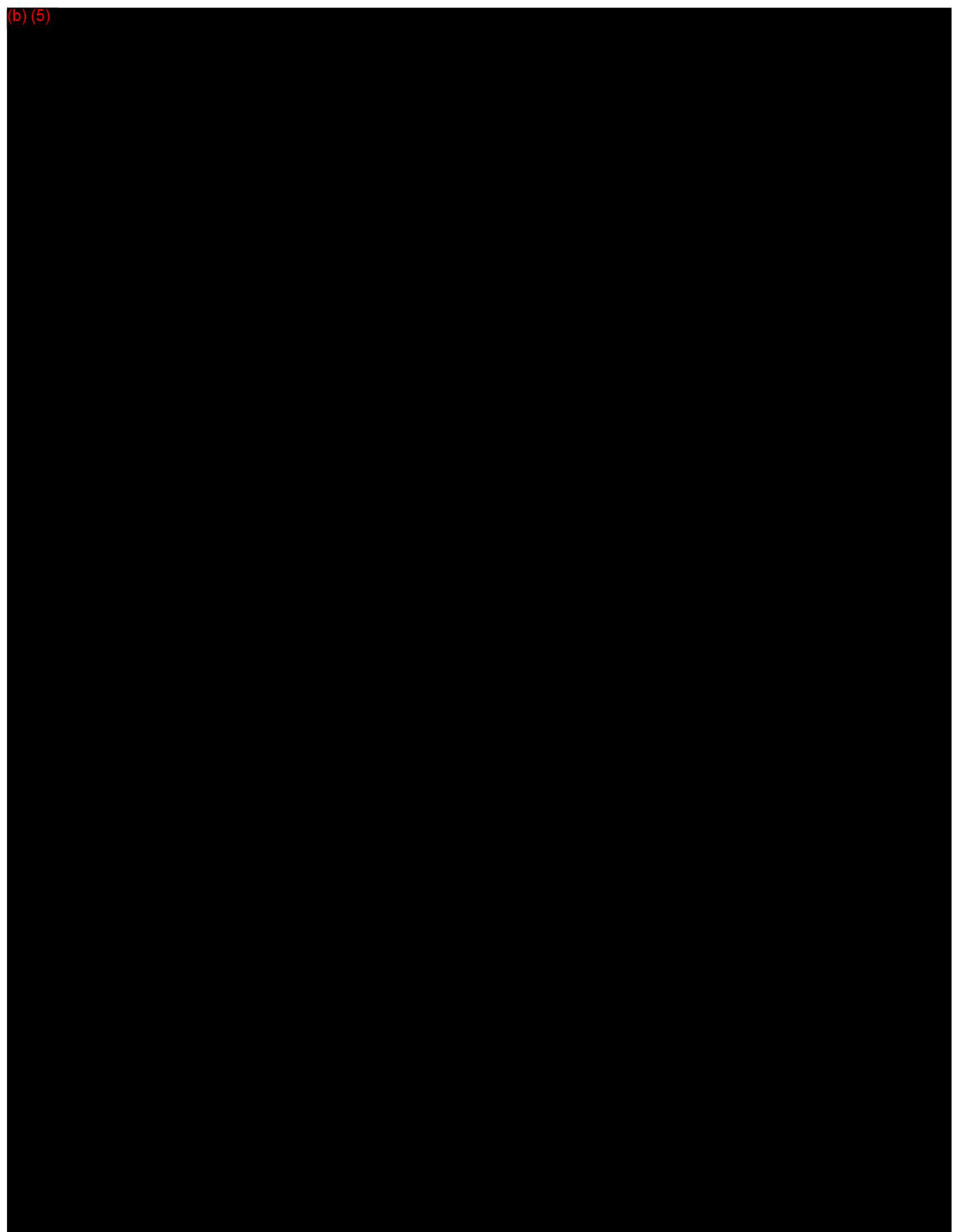
Thanks.

**Aaron L. Szabo**  
Senior Counsel  
Council on Environmental Quality  
(b) (6) (Desk)  
(b) (6) (Cell)  
(b) (6)





(b) (5)



(b) (5)

## FW: comments filed in CEQ-2018-0001-0001

---

**From:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**To:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)> "Szabo, Aaron L. EOP/CEQ" <(b) (6)> "Seale, Viktoria Z. EOP/CEQ" <(b) (6)>  
**Cc:** "Mansoor, Yarden M. EOP/CEQ" <(b) (6)> "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 03 Jul 2018 16:45:19 -0400

**Attachments**  
: NEPA extension comment filed.pdf (97.16 kB)

FYI – The attached letter requesting a 60 day extension filed on behalf of 36 law professors was received today.

**From:** Pidot, Justin <jpidot@law.du.edu>  
**Sent:** Tuesday, July 3, 2018 4:41 PM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)> Drummond, Michael R. EOP/CEQ <(b) (6)>  
**Subject:** [EXTERNAL] comments filed in CEQ-2018-0001-0001

Dear Mr. Boling and Mr. Drummond,

Please find attached comments I filed today on Regulations.gov on behalf of 36 law professors in response to CEQ's ANPR related to its NEPA regulations. As you will see, we request that CEQ extend the comment period for an addition 60 days, due to the breadth and complexity of issues that are raised in the ANPR.

Please don't hesitate to contact me if you have any questions.

Best,

Justin

Justin Pidot  
Associate Professor  
University of Denver Sturm College of Law  
><http://ssrn.com/author=1173128><

July 3, 2018

To: Council on Environmental Quality

RE: Comments on Advanced Notice of Proposed Rulemaking, Implementation of Procedural Provisions of National Environmental Policy Act, Docket Number CEQ-2018-0001-0001

**RIN: 0331-AA03**

We, 36 law professors with expertise related to the National Environmental Policy Act (NEPA), request an extension of the public comment period for the Council of Environmental Quality's (CEQ) Advanced Notice of Proposed Rulemaking (ANPR) titled "Implementation of Procedural Provisions of National Environmental Policy Act." 83 Fed. Reg. 28,591 (June 20, 2018) (2018 NEPA ANPR). We believe that a 30-day comment period provides the public with insufficient opportunity to address the complicated issues presented by the 2018 NEPA ANPR, and we would request that the comment period be extended for 60 additional days, providing for a 90-day comment period.

Congress enacted NEPA in 1970, to create the CEQ and to require that:

all of the Federal Government shall . . . include in every recommendation or report on proposals for legislation and other major Federal actions significant affecting the quality of the human environment, a detailed statement by the responsible official on – (i) the environmental impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented, (iii) alternatives to the proposed action, (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

42 U.S.C. § 4332(2)(C).

As the 2018 NEPA ANPR acknowledges, CEQ promulgated regulations in 1978 to govern compliance with NEPA and amended those regulations once in 1986. The CEQ regulations span 8 parts, including 67 sections, of the U.S. Code of Federal Regulations. *See* 40 C.F.R. §§ 1501.1-1508.28. Federal agencies have incorporated the CEQ regulations into their own implementing regulations and guidance documents. *See, e.g.*, 43 C.F.R. §§ 46.10-46.450 (Department of the Interior's regulations implementing NEPA); Department of the Interior, Departmental Manual parts 515-525.

NEPA and CEQ's implementing regulations have given rise to a substantial body of law and have generated extensive academic interest. Since the 1986 amendments to CEQ's regulations,

NEPA has been referenced in 5,278 court decisions,<sup>1</sup> nearly 60,000 Federal Register documents,<sup>2</sup> and thousands of congressional hearings.<sup>3</sup> During that same period, NEPA has been referenced in more than 8,700 law review articles.<sup>4</sup>

For the last thirty years, CEQ's NEPA regulations have anchored the process by which agencies across the federal government engage in environmental review. Agencies have adhered to the current procedures in making countless decisions affecting every state, industry, and American citizen. The process has largely worked smoothly. The nonpartisan Government Accountability Office has estimated that agencies rely on categorical exclusions—the least onerous form of NEPA compliance—to review at least 94% of federal actions, and they rely on environmental assessments—an intermediate form of NEPA compliance—to review less than 4% of federal actions. U.S. GOVERNMENT ACCOUNTABILITY OFFICE, GAO-14-370, NATIONAL ENVIRONMENTAL POLICY ACT: LITTLE INFORMATION EXISTS ON NEPA ANALYSES 8-9 (2014). Agencies rely on environmental impact statements—the most thorough and time-consuming form of NEPA compliance—to review less than 1% of federal actions. *Id.*

A 90-day comment period would provide the public with a reasonable opportunity to comment on the questions that CEQ has posed in the 2018 NEPA ANPR. Federal agencies have provided 90-day comment periods for ANPRs and Notices of Inquiry (NOIs), the functional equivalent of ANPRs, related to measures that would sweep much more narrowly. *See, e.g.*, 81 Fed. Reg. 83,190 (2016) (providing 90-day comment period for ANPR related to cargo tank identification numbers); 73 Fed. Reg. 5784 (2008) (providing 90-day comment period for NOI related to designation of constrictor snakes as injurious wildlife); 67 Fed. Reg. 51,800 (2002) (extending to 90 days comment period for ANPR related to Coastal Zone Management Act consistency regulations); 69 Fed. Reg. 21,800 (2004) (proving 90 day comment period for ANPR related to regulation of hazardous waste generators).

The federal government's experience over three decades may warrant some adjustment to CEQ's existing regulations. It may also be appropriate to amend the regulations to account for new

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<sup>1</sup> This number was obtained by searching Westlaw's "All Federal" database and reporting the numbers of "cases" returned by the search.

<sup>2</sup> This number includes 48,035 documents published in the Federal Register since 1994, a number obtained by searching the Federal Register's website, and 11,358 documents published after April 26, 1986 and before January 1, 1994, a number obtained by searching Westlaw's Federal Register database.

<sup>3</sup> This number was obtained by searching the ProQuest Congressional database using the search term "national environmental policy act," limiting the document type to "Hearings 1824-Present," and limiting the date to after April 26, 1986. The search returned 4,848 published hearings and 2,995 hearing transcripts.

<sup>4</sup> This number was obtained by searching Westlaw's "Secondary Sources – Law Reviews & Journals" database using the search term "advanced: 'national environmental policy act' & DA(aft 04-25-1986)," and selecting "Law Reviews & Journals" as the publication type.

information about environmental problems, like climate change, produced since 1986. Any process for considering and adopting amendments should, however, provide ample opportunity for public participation and comment, including at the ANPR stage.

For these reasons we respectfully request that the CEQ extend the period for comments on the 2018 NEPA ANPR to 90 days.

Sincerely yours,

(All of the following are signatories in their personal capacity only. Institutional affiliations are included for identification purposes only.)

David E. Adelman  
Harry Reasoner Regents Chair in Law  
University of Texas at Austin School of Law

Nadia B. Ahmad  
Assistant Professor of Law  
Barry University Dwayne O. Andreas  
School of Law

Hope Babcock  
Professor of Law;  
Director, Institute for Public Representation  
Georgetown University Law Center

Eric Biber  
Professor of Law  
U.C. Berkeley School of Law

Michael C. Blumm  
Jeffrey Bain Faculty Scholar &  
Professor of Law  
Lewis and Clark Law School

Sara A. Colangelo  
Environmental Law and Policy Program  
Director and Visiting Professor of Law  
Georgetown University Law Center

Alejandro E. Camacho  
Professor of Law and Director, Center for  
Land, Environment, and Natural Resources  
University of California, Irvine, School of  
Law

Holly Doremus  
James H. House and Hiram H Hurd  
Professor of Environmental Regulation,  
Faculty Director, Law of the Sea Institute,  
and Co-Faculty Director, Center for Law,  
Energy the Environment,  
U.C. Berkeley School of Law

John C. Dernbach  
Commonwealth Professor of Environmental  
Law and Sustainability  
Director, Environmental Law and  
Sustainability Center  
Widener University Commonwealth Law  
School

Greg Dotson  
Assistant Professor of Law  
University of Oregon School of Law

John Echeverria  
Professor of Law  
Vermont Law School

Victor B. Flatt  
Dwight Olds Chair in Law  
Director, Environment Energy and Natural  
Resources Center  
University of Houston Law Center

Richard M. Frank  
Professor of Environmental Practice and  
Director, California Environmental Law &  
Policy Center  
University of California, Davis School of  
Law

Steve C. Gold  
Professor of Law and Judge Raymond J.  
Dearie Scholar  
Rutgers Law School  
Rutgers University -- Newark  
Rutgers, The State University of New Jersey

Emily Hammond  
Glen Earl Weston Research Professor of  
Law  
The George Washington University Law  
School

Sean M. Helle  
Associate Clinical Professor  
University of Colorado Law School

Tracy Hester  
Lecturer  
University of Houston Law Center

Jill Witkowski Heaps  
Assistant Professor and Director  
Environmental & Natural Resources Law  
Clinic  
Vermont Law School

Oliver A. Houck  
Professor of Law  
Tulane University Law School

Bruce Huber  
Professor of Law and Robert & Marion  
Short Scholar  
Notre Dame Law School

Sharon Jacobs  
Associate Professor of Law  
University of Colorado Law School

Seema Kakade  
Assistant Professor of Law and Director,  
Environmental Law Clinic  
University of Maryland Francis King Carey  
School of Law

Sam Kalen  
Centennial Distinguished Professor of Law  
Associate Dean Co-Director, CLERR  
University of Wyoming College of Law

Madeline June Kass  
Visiting Professor/Visiting Scholar  
Seattle University School of Law  
Professor Emeritus  
Thomas Jefferson School of Law

Alexandra B. Klass  
Distinguished McKnight University  
Professor  
University of Minnesota Law School

Kathryn E. Kovacs  
Professor of Law  
Rutgers Law School

Joel A. Mintz  
Professor of Law  
Nova Southeastern University College of  
Law

Jessica Owley  
Professor of Law & Environmental Law  
Program Director  
University at Buffalo - State University of  
New York (SUNY)

Justin Pidot  
Professor of Law  
University of Denver Sturm College of Law

Michael Pappas  
Associate Dean for Research and Faculty  
Development and Professor of Law  
University of Maryland Francis King Carey  
School of Law

Patrick Parenteau  
Professor of Law  
Vermont Law School

John Ruple  
Research Professor of Law & Wallace  
Stegner Center Fellow  
University of Utah S.J. Quinney College of  
Law

William J. Snape, III  
Assistant Dean of Adjunct Faculty Affairs &  
Fellow in Environmental Law  
American University Washington College of  
Law

W. William Weeks  
Clinical Professor  
Indiana University Maurer School of Law

Todd A. Wildermuth  
Director Environmental Law Program and  
Policy Director Regulatory Environmental  
Law and Policy Clinic  
University of Washington School of Law

Sandra B. Zellmer  
Professor and Director of Natural Resources  
Clinics  
Alexander Blewett III School of Law  
University of Montana

## FW: comments filed in CEQ-2018-0001-0001

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**From:** "Neumayr, Mary B. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=4e618ec0a8d749c29c9f64889897f4bb-ne">  
**To:** "Schneider, Daniel J. EOP/CEQ (b) (6)" <(b) (6)> "Pettigrew, Theresa L. EOP/CEQ (b) (6)" <(b) (6)>  
**Date:** Tue, 03 Jul 2018 18:15:58 -0400  
**Attachments:** NEPA extension comment\_filed.pdf (97.16 kB)

Fyi

---

**From:** Drummond, Michael R. EOP/CEQ  
**Sent:** Tuesday, July 3, 2018 4:45 PM  
**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Szabo, Aaron L. EOP/CEQ <(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)>  
**Cc:** Mansoor, Yardena M. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ <(b) (6)>  
**Subject:** FW: comments filed in CEQ-2018-0001-0001

FYI – The attached letter requesting a 60 day extension filed on behalf of 36 law professors was received today.

---

**From:** Pidot, Justin <jpidot@law.du.edu>  
**Sent:** Tuesday, July 3, 2018 4:41 PM  
**To:** Boling, Ted A. EOP/CEQ <(b) (6)> Drummond, Michael R. EOP/CEQ <(b) (6)>  
**Subject:** [EXTERNAL] comments filed in CEQ-2018-0001-0001

Dear Mr. Boling and Mr. Drummond,

Please find attached comments I filed today on Regulations.gov on behalf of 36 law professors in response to CEQ's ANPR related to its NEPA regulations. As you will see, we request that CEQ extend the comment period for an addition 60 days, due to the breadth and complexity of issues that are raised in the ANPR.

Please don't hesitate to contact me if you have any questions.

Best,

Justin

Justin Pidot  
Associate Professor

University of Denver Sturm College of Law  
><http://ssrn.com/author=1173128><

July 3, 2018

To: Council on Environmental Quality

RE: Comments on Advanced Notice of Proposed Rulemaking, Implementation of Procedural Provisions of National Environmental Policy Act, Docket Number CEQ-2018-0001-0001

**RIN: 0331-AA03**

We, 36 law professors with expertise related to the National Environmental Policy Act (NEPA), request an extension of the public comment period for the Council of Environmental Quality's (CEQ) Advanced Notice of Proposed Rulemaking (ANPR) titled "Implementation of Procedural Provisions of National Environmental Policy Act." 83 Fed. Reg. 28,591 (June 20, 2018) (2018 NEPA ANPR). We believe that a 30-day comment period provides the public with insufficient opportunity to address the complicated issues presented by the 2018 NEPA ANPR, and we would request that the comment period be extended for 60 additional days, providing for a 90-day comment period.

Congress enacted NEPA in 1970, to create the CEQ and to require that:

all of the Federal Government shall . . . include in every recommendation or report on proposals for legislation and other major Federal actions significant affecting the quality of the human environment, a detailed statement by the responsible official on – (i) the environmental impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented, (iii) alternatives to the proposed action, (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

42 U.S.C. § 4332(2)(C).

As the 2018 NEPA ANPR acknowledges, CEQ promulgated regulations in 1978 to govern compliance with NEPA and amended those regulations once in 1986. The CEQ regulations span 8 parts, including 67 sections, of the U.S. Code of Federal Regulations. *See* 40 C.F.R. §§ 1501.1-1508.28. Federal agencies have incorporated the CEQ regulations into their own implementing regulations and guidance documents. *See, e.g.*, 43 C.F.R. §§ 46.10-46.450 (Department of the Interior's regulations implementing NEPA); Department of the Interior, Departmental Manual parts 515-525.

NEPA and CEQ's implementing regulations have given rise to a substantial body of law and have generated extensive academic interest. Since the 1986 amendments to CEQ's regulations,

NEPA has been referenced in 5,278 court decisions,<sup>1</sup> nearly 60,000 Federal Register documents,<sup>2</sup> and thousands of congressional hearings.<sup>3</sup> During that same period, NEPA has been referenced in more than 8,700 law review articles.<sup>4</sup>

For the last thirty years, CEQ's NEPA regulations have anchored the process by which agencies across the federal government engage in environmental review. Agencies have adhered to the current procedures in making countless decisions affecting every state, industry, and American citizen. The process has largely worked smoothly. The nonpartisan Government Accountability Office has estimated that agencies rely on categorical exclusions—the least onerous form of NEPA compliance—to review at least 94% of federal actions, and they rely on environmental assessments—an intermediate form of NEPA compliance—to review less than 4% of federal actions. U.S. GOVERNMENT ACCOUNTABILITY OFFICE, GAO-14-370, NATIONAL ENVIRONMENTAL POLICY ACT: LITTLE INFORMATION EXISTS ON NEPA ANALYSES 8-9 (2014). Agencies rely on environmental impact statements—the most thorough and time-consuming form of NEPA compliance—to review less than 1% of federal actions. *Id.*

A 90-day comment period would provide the public with a reasonable opportunity to comment on the questions that CEQ has posed in the 2018 NEPA ANPR. Federal agencies have provided 90-day comment periods for ANPRs and Notices of Inquiry (NOIs), the functional equivalent of ANPRs, related to measures that would sweep much more narrowly. *See, e.g.*, 81 Fed. Reg. 83,190 (2016) (providing 90-day comment period for ANPR related to cargo tank identification numbers); 73 Fed. Reg. 5784 (2008) (providing 90-day comment period for NOI related to designation of constrictor snakes as injurious wildlife); 67 Fed. Reg. 51,800 (2002) (extending to 90 days comment period for ANPR related to Coastal Zone Management Act consistency regulations); 69 Fed. Reg. 21,800 (2004) (proving 90 day comment period for ANPR related to regulation of hazardous waste generators).

The federal government's experience over three decades may warrant some adjustment to CEQ's existing regulations. It may also be appropriate to amend the regulations to account for new

---

<sup>1</sup> This number was obtained by searching Westlaw's "All Federal" database and reporting the numbers of "cases" returned by the search.

<sup>2</sup> This number includes 48,035 documents published in the Federal Register since 1994, a number obtained by searching the Federal Register's website, and 11,358 documents published after April 26, 1986 and before January 1, 1994, a number obtained by searching Westlaw's Federal Register database.

<sup>3</sup> This number was obtained by searching the ProQuest Congressional database using the search term "national environmental policy act," limiting the document type to "Hearings 1824-Present," and limiting the date to after April 26, 1986. The search returned 4,848 published hearings and 2,995 hearing transcripts.

<sup>4</sup> This number was obtained by searching Westlaw's "Secondary Sources – Law Reviews & Journals" database using the search term "advanced: 'national environmental policy act' & DA(aft 04-25-1986)," and selecting "Law Reviews & Journals" as the publication type.

information about environmental problems, like climate change, produced since 1986. Any process for considering and adopting amendments should, however, provide ample opportunity for public participation and comment, including at the ANPR stage.

For these reasons we respectfully request that the CEQ extend the period for comments on the 2018 NEPA ANPR to 90 days.

Sincerely yours,

(All of the following are signatories in their personal capacity only. Institutional affiliations are included for identification purposes only.)

David E. Adelman  
Harry Reasoner Regents Chair in Law  
University of Texas at Austin School of Law

Nadia B. Ahmad  
Assistant Professor of Law  
Barry University Dwayne O. Andreas  
School of Law

Hope Babcock  
Professor of Law;  
Director, Institute for Public Representation  
Georgetown University Law Center

Eric Biber  
Professor of Law  
U.C. Berkeley School of Law

Michael C. Blumm  
Jeffrey Bain Faculty Scholar &  
Professor of Law  
Lewis and Clark Law School

Sara A. Colangelo  
Environmental Law and Policy Program  
Director and Visiting Professor of Law  
Georgetown University Law Center

Alejandro E. Camacho  
Professor of Law and Director, Center for  
Land, Environment, and Natural Resources  
University of California, Irvine, School of  
Law

Holly Doremus  
James H. House and Hiram H Hurd  
Professor of Environmental Regulation,  
Faculty Director, Law of the Sea Institute,  
and Co-Faculty Director, Center for Law,  
Energy the Environment,  
U.C. Berkeley School of Law

John C. Dernbach  
Commonwealth Professor of Environmental  
Law and Sustainability  
Director, Environmental Law and  
Sustainability Center  
Widener University Commonwealth Law  
School

Greg Dotson  
Assistant Professor of Law  
University of Oregon School of Law

John Echeverria  
Professor of Law  
Vermont Law School

Victor B. Flatt  
Dwight Olds Chair in Law  
Director, Environment Energy and Natural  
Resources Center  
University of Houston Law Center

Richard M. Frank  
Professor of Environmental Practice and  
Director, California Environmental Law &  
Policy Center  
University of California, Davis School of  
Law

Steve C. Gold  
Professor of Law and Judge Raymond J.  
Dearie Scholar  
Rutgers Law School  
Rutgers University -- Newark  
Rutgers, The State University of New Jersey

Emily Hammond  
Glen Earl Weston Research Professor of  
Law  
The George Washington University Law  
School

Sean M. Helle  
Associate Clinical Professor  
University of Colorado Law School

Tracy Hester  
Lecturer  
University of Houston Law Center

Jill Witkowski Heaps  
Assistant Professor and Director  
Environmental & Natural Resources Law  
Clinic  
Vermont Law School

Oliver A. Houck  
Professor of Law  
Tulane University Law School

Bruce Huber  
Professor of Law and Robert & Marion  
Short Scholar  
Notre Dame Law School

Sharon Jacobs  
Associate Professor of Law  
University of Colorado Law School

Seema Kakade  
Assistant Professor of Law and Director,  
Environmental Law Clinic  
University of Maryland Francis King Carey  
School of Law

Sam Kalen  
Centennial Distinguished Professor of Law  
Associate Dean Co-Director, CLERR  
University of Wyoming College of Law

Madeline June Kass  
Visiting Professor/Visiting Scholar  
Seattle University School of Law  
Professor Emeritus  
Thomas Jefferson School of Law

Alexandra B. Klass  
Distinguished McKnight University  
Professor  
University of Minnesota Law School

Kathryn E. Kovacs  
Professor of Law  
Rutgers Law School

Joel A. Mintz  
Professor of Law  
Nova Southeastern University College of  
Law

Jessica Owley  
Professor of Law & Environmental Law  
Program Director  
University at Buffalo - State University of  
New York (SUNY)

Justin Pidot  
Professor of Law  
University of Denver Sturm College of Law

Michael Pappas  
Associate Dean for Research and Faculty  
Development and Professor of Law  
University of Maryland Francis King Carey  
School of Law

Patrick Parenteau  
Professor of Law  
Vermont Law School

John Ruple  
Research Professor of Law & Wallace  
Stegner Center Fellow  
University of Utah S.J. Quinney College of  
Law

William J. Snape, III  
Assistant Dean of Adjunct Faculty Affairs &  
Fellow in Environmental Law  
American University Washington College of  
Law

W. William Weeks  
Clinical Professor  
Indiana University Maurer School of Law

Todd A. Wildermuth  
Director Environmental Law Program and  
Policy Director Regulatory Environmental  
Law and Policy Clinic  
University of Washington School of Law

Sandra B. Zellmer  
Professor and Director of Natural Resources  
Clinics  
Alexander Blewett III School of Law  
University of Montana

## RE: comments filed in CEQ-2018-0001-0001

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**From:** "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>

**To:** "Drummond, Michael R. EOP/CEQ" <(b) (6)>

**Date:** Tue, 03 Jul 2018 17:32:34 -0400

Logged it in.

**From:** Drummond, Michael R. EOP/CEQ

**Sent:** Tuesday, July 3, 2018 4:45 PM

**To:** Neumayr, Mary B. EOP/CEQ <(b) (6)> Szabo, Aaron L. EOP/CEQ

<(b) (6)> Seale, Viktoria Z. EOP/CEQ <(b) (6)>

**Cc:** Mansoor, Yardena M. EOP/CEQ <(b) (6)> Smith, Katherine R. EOP/CEQ

<(b) (6)>

**Subject:** FW: comments filed in CEQ-2018-0001-0001

FYI – The attached letter requesting a 60 day extension filed on behalf of 36 law professors was received today.

**From:** Pidot, Justin <jpidot@law.du.edu>

**Sent:** Tuesday, July 3, 2018 4:41 PM

**To:** Boling, Ted A. EOP/CEQ <(b) (6)> Drummond, Michael R. EOP/CEQ

<(b) (6)>

**Subject:** [EXTERNAL] comments filed in CEQ-2018-0001-0001

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Please don't hesitate to contact me if you have any questions.

Best,

Justin

Justin Pidot

Associate Professor

University of Denver Sturm College of Law

><http://ssrn.com/author=1173128><

## Downloading comments from regulations.gov

---

**From:** "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Cc:** "Boling, Ted A. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 18 Jul 2018 14:26:11 -0400

---

Aaron,

To prepare for analysis of ANOPR responses, (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Thanks, in advance,

Yardena Mansoor  
Deputy Associate Director for NEPA  
Council on Environmental Quality  
(b) (6) / (b) (6)

# FedCenter Daily Newsletter

**From:** sitemgr@www.fedcenter.gov  
**To:** "Siegel, Dee S. EOP/CEO" <(b) (6)>  
**Date:** Fri, 20 Jul 2018 01:39:17 -0400  
**Attachment  
s:** FedCenter-Newsletter-1DF79D12-CA6B-28C8-8B4D2A89770D8A67.pdf (72.73 kB)



FedCenter Daily Newsletter for Friday, July 20, 2018

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## Announcements

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[Tribal Clean Diesel Funding Assistance Program FY 2018 \(07/19/2018\)](#)

EPA's Office of Transportation and Air Quality is soliciting proposals nationwide for projects that achieve significant reductions in diesel emissions in terms of tons of pollution produced by diesel engines and diesel emissions exposure, particularly from fleets located in areas designated as having poor air quality. Further, priority for funding will be given to projects which result in outcomes that benefit affected communities, those that engage affected communities with respect to the design and performance of the project, and those which can demonstrate the ability to promote and continue efforts to reduce emissions after the project has ended. Eligible entities include tribal governments (or intertribal consortia) and Alaska Native Villages, which have jurisdiction over transportation or air quality. The closing date is 6 September 2018.

## Articles

[Regulatory Watch](#)

[Definition of "Waters of the United States"--Recodification of Preexisting Rule \(Draft\) \(Updated 07/19/2018\)](#)

The purpose of this supplemental notice is for EPA and the Department of the Army (agencies) to clarify, supplement and seek additional comment on an earlier proposal, published on 27 July 2017, to repeal the 2015 Rule Defining Waters of the United States ("2015 Rule"), which amended portions of the CFR. As stated in the agencies' 27 July 2017 NPRM, the agencies propose to repeal the 2015 Rule and restore the regulatory text that existed prior to the 2015 Rule, as informed by guidance in effect at that time. If this proposal is finalized, the regulations defining the scope of federal CWA jurisdiction would be those portions of the CFR as they existed before the amendments promulgated in the 2015 Rule. Those preexisting regulatory definitions are the ones that the agencies are currently implementing in light of the agencies' final rule published on 6 February 2018, adding a 6 February 2020 applicability date to the 2015 Rule, as well as judicial decisions preliminarily enjoining and staying the 2015 Rule. Comments must be received on or before 13 August 2018. POCs are Michael McDavit, Office of Water (4504-T), EPA,; tel: 202-566-2428; email: CWAwotus@epa.gov; or Stacey Jensen, Regulatory Community of Practice (CECW-CO-R), USACE, tel: 202-761-6903; email: USACE\_CWA\_Rule@usace.army.mil (<https://www.gpo.gov/fdsys/pkg/FR-2018-07-12/html/2018-14679.htm>< target="new">Federal Register: 12 July 2018 [Proposed Rules], pages 32227-32252).

[Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act \(Draft\) \(07/19/2018\)](#)

On 20 June 2018, the Council on Environmental Quality (CEQ) published an advance notice of proposed

rulemaking (ANPRM) titled "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act." The CEQ is extending the comment period on the ANPRM, which was scheduled to close on 20 July 2018, for 31 days until 20 August 2018. The CEQ is making this change in response to public requests for an extension of the comment period. Comments should be submitted on or before 20 August 2018. POC is Edward A. Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503. Tel: 202- 395-5750 (<https://www.gpo.gov/fdsys/pkg/FR-2018-07-11/html/2018-14821.htm>< target="new">Federal Register, 11 July 2018 [Proposed Rules], page 32071.)

## Documents

### [FedCenter Board Workgroup](#)



#### [Draft FedCenter Monthly Account Status Newsletter](#) (92.68 KB, Updated 07/19/2018)

Draft of a new (monthly) newsletter for FC members to show them what information we have on them, help them remember password information, and make it easier to see and change the information should it need to be.



#### [FedCenter Succession Planning - 2018-07-19](#) (109.23 KB, Updated 07/19/2018)

Summary of most recent strategy to continue FC operations after management staff changes that will/may occur in 2019 and 2020.

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## RE: Downloading comments from regulations.gov

---

**From:** "Mansoor, Yardena M. EOP/CEQ" <(b) (6)>  
**To:** "Szabo, Aaron L. EOP/CEQ" <(b) (6)>  
**Cc:** "Boling, Ted A. EOP/CEQ" (b) (6) "Drummond, Michael R. EOP/CEQ" <(b) (6)>  
**Date:** Tue, 24 Jul 2018 10:21:01 -0400

Aaron,

Since yesterday, 330 comments were added to the docket (#0523-0852). (b) (5)

Options include:

- (b) (5)

Please let me know what works for you.

Yardena

**From:** Mansoor, Yardena M. EOP/CEQ  
**Sent:** Wednesday, July 18, 2018 2:26 PM  
**To:** Szabo, Aaron L. EOP/CEQ <(b) (6)>  
**Cc:** Boling, Ted A. EOP/CEQ <(b) (6)>  
**Subject:** Downloading comments from regulations.gov

Aaron,

To prepare for analysis of ANOPR responses, (b) (5)

Thanks, in advance,

Yardena Mansoor  
Deputy Associate Director for NEPA  
Council on Environmental Quality  
(b) (6) / (b) (6)

## Neumayr QFRs - Response Needed by noon Friday (7/27)

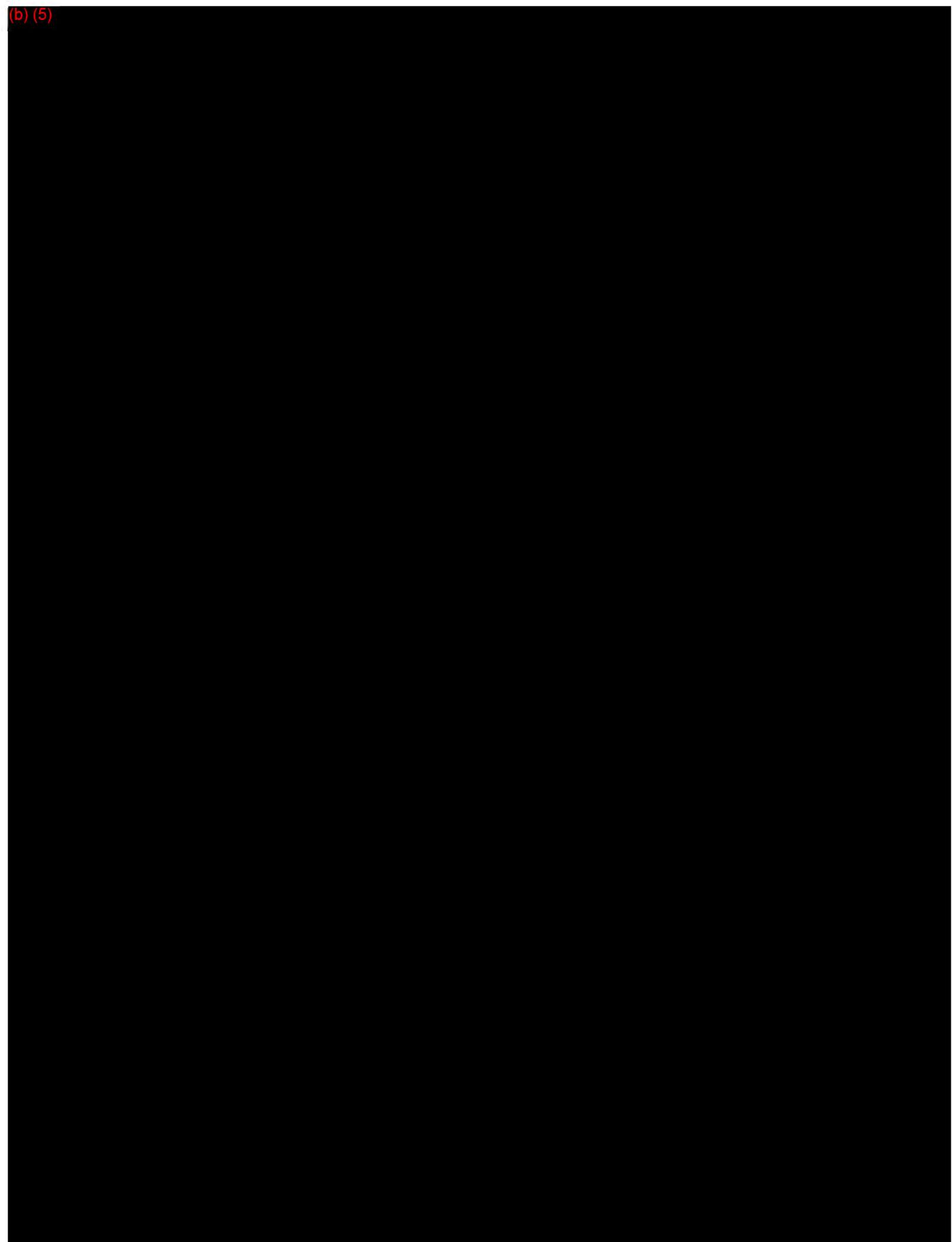
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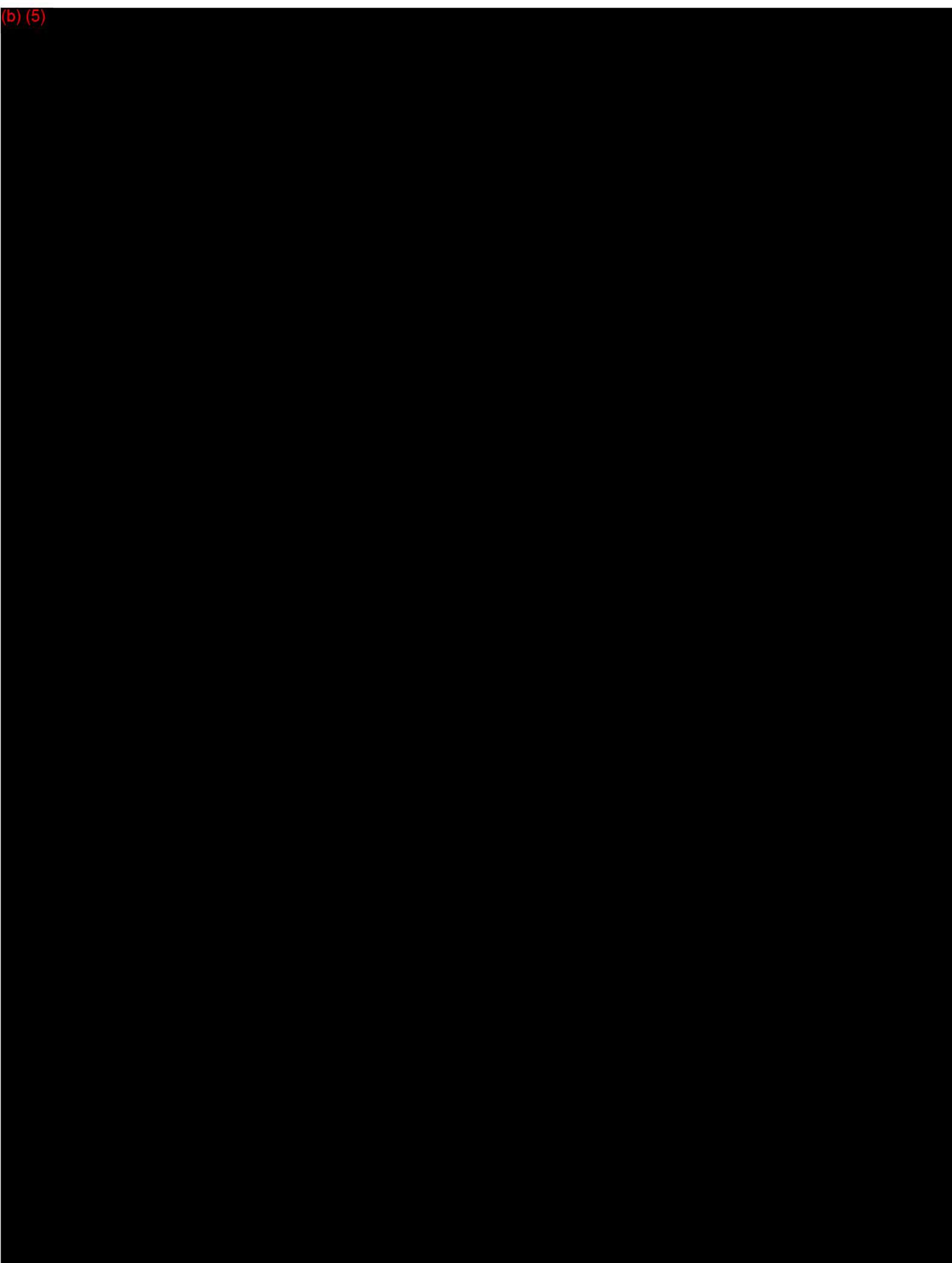
**From:** "Pettigrew, Theresa L. EOP/CEQ" <(b) (6)>  
**To:** "Lai, Joseph G. EOP/WHO" <(b) (6)> "Brooke, Francis J. EOP/WHO" <(b) (6)> "Moran, John S. EOP/WHO" <(b) (6)>  
**Cc:** "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 25 Jul 2018 20:21:05 -0400  
**Attachments:** All Neumayr QFRs 07.19.2018 DRAFT RESPONSES.docx (84.6 kB)

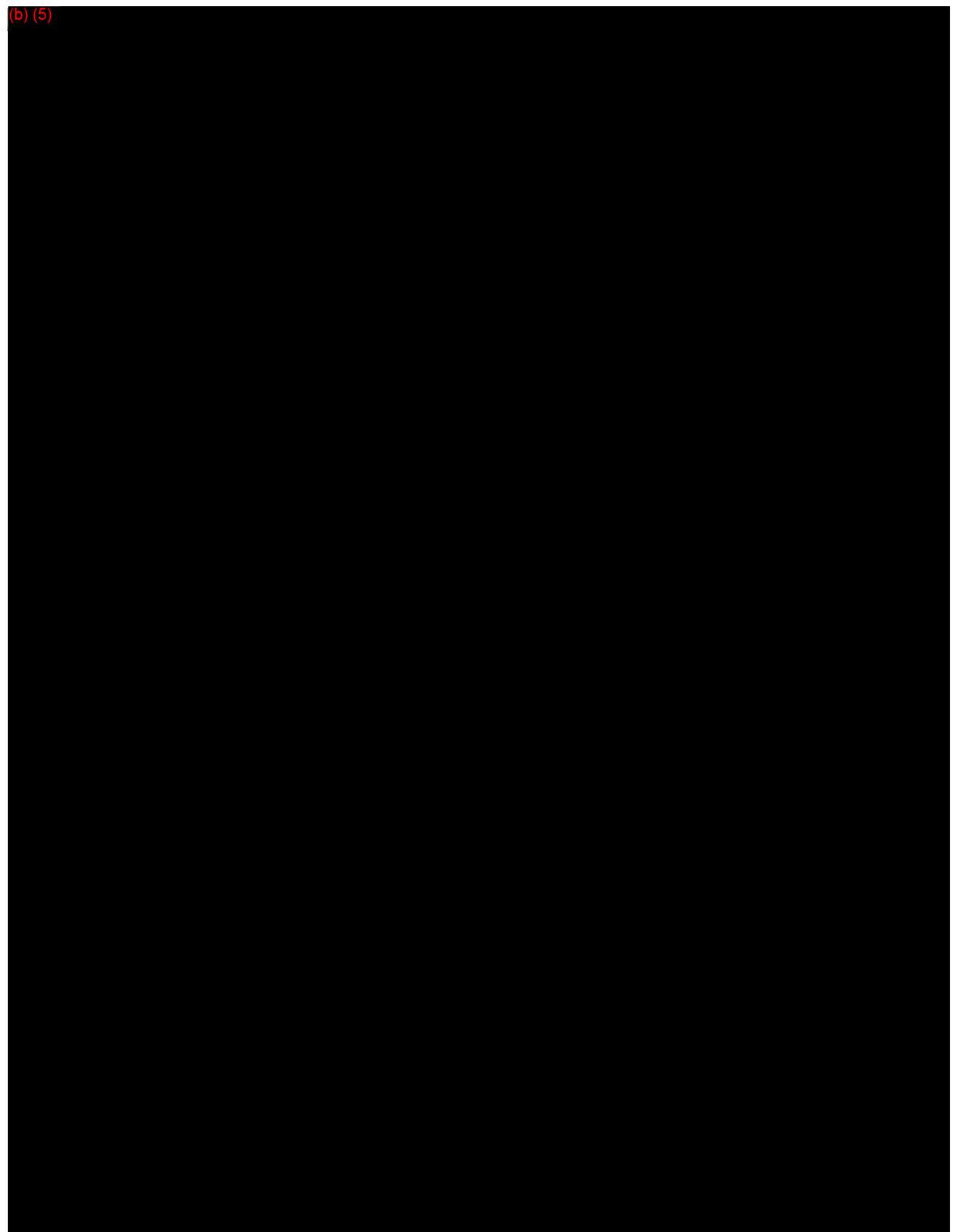
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Hello,  
Attached please find draft responses to Questions for the Record asked by Members of the Senate Environment and Public Works Committee. Please review and submit any comments or edits you may have by this Friday (7/27) at Noon.  
Thank you very much for your assistance.  
Sincerely,  
Theresa

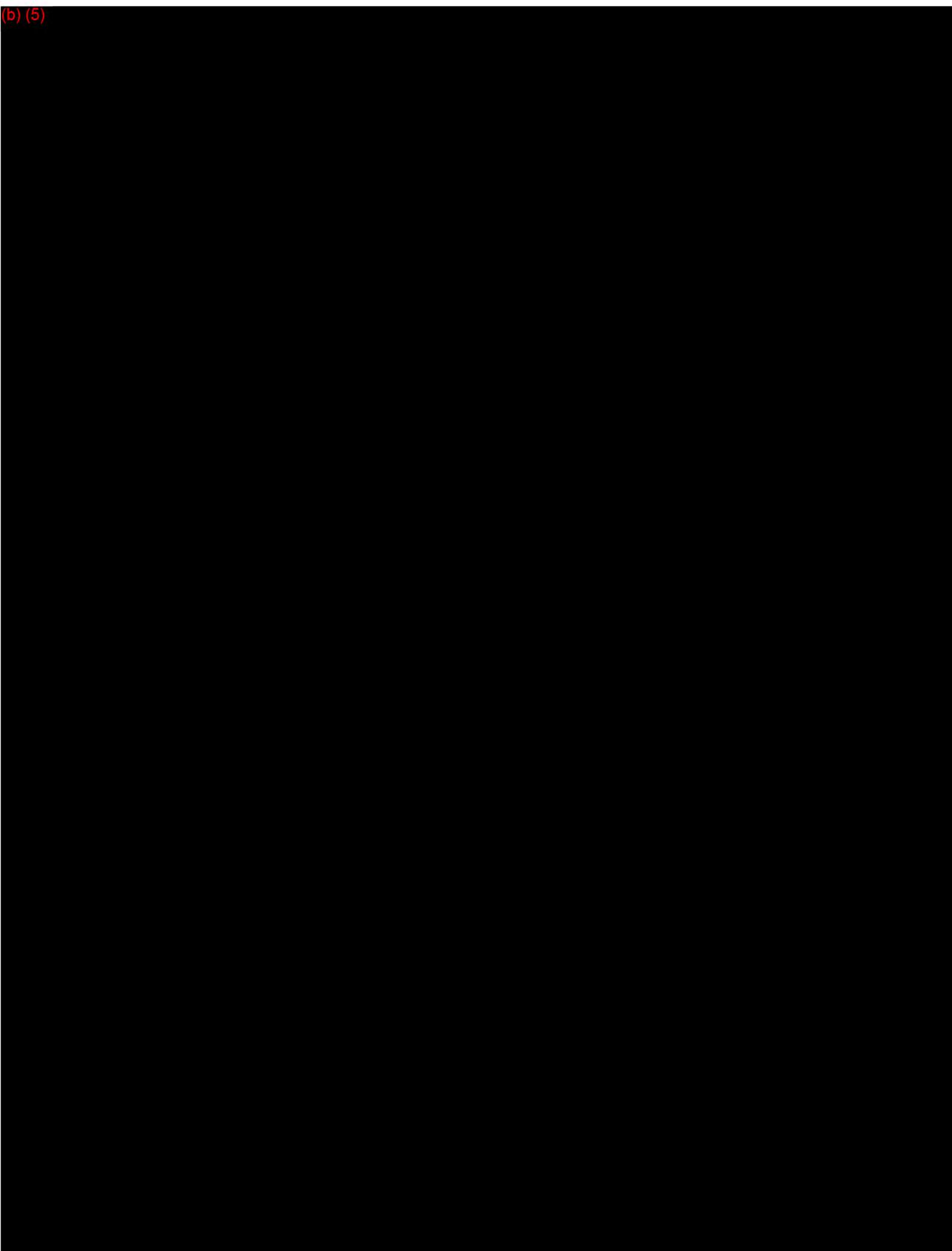
Theresa L. Pettigrew  
Associate Director for Legislative Affairs  
Council on Environmental Quality  
(b) (6) (direct)

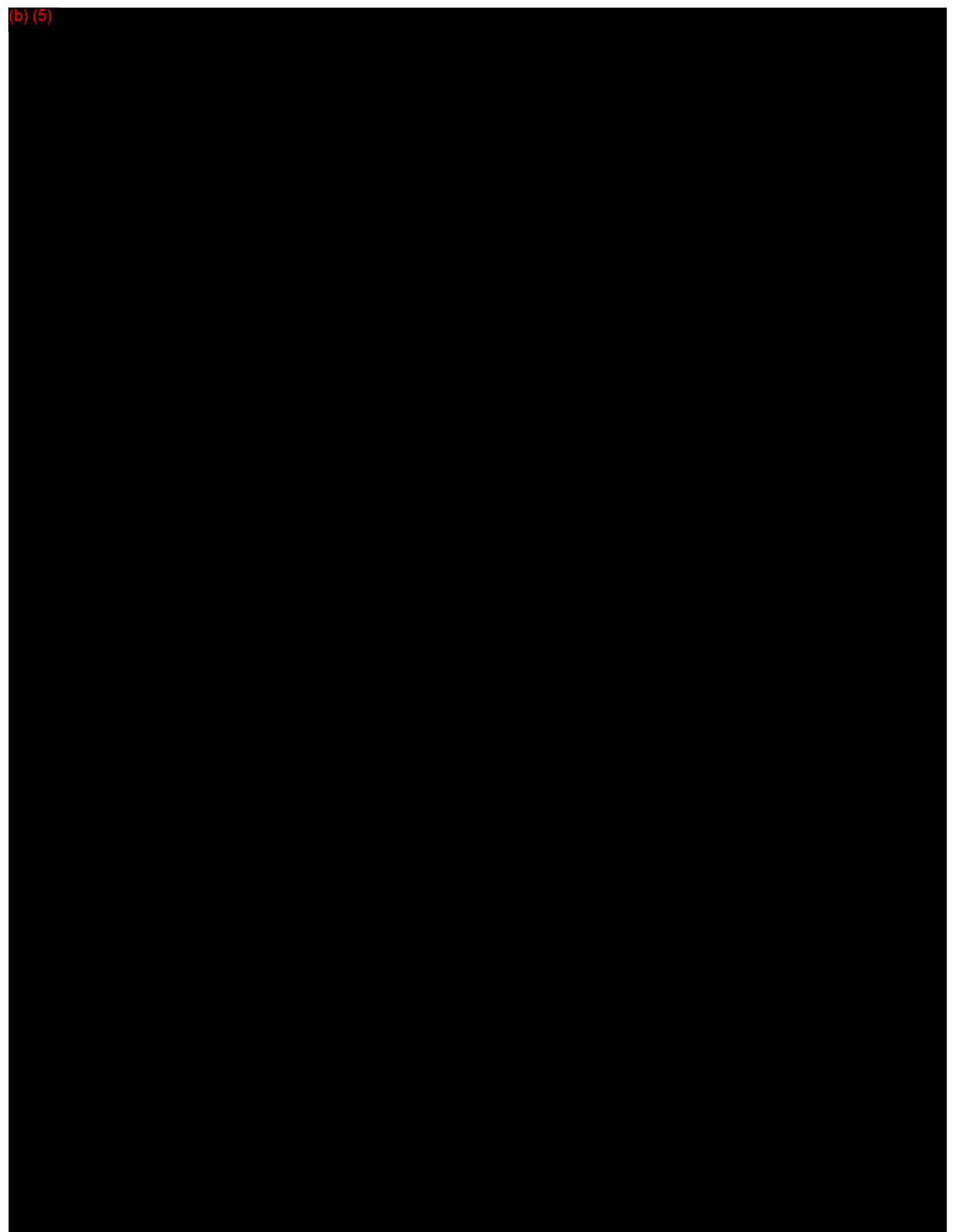




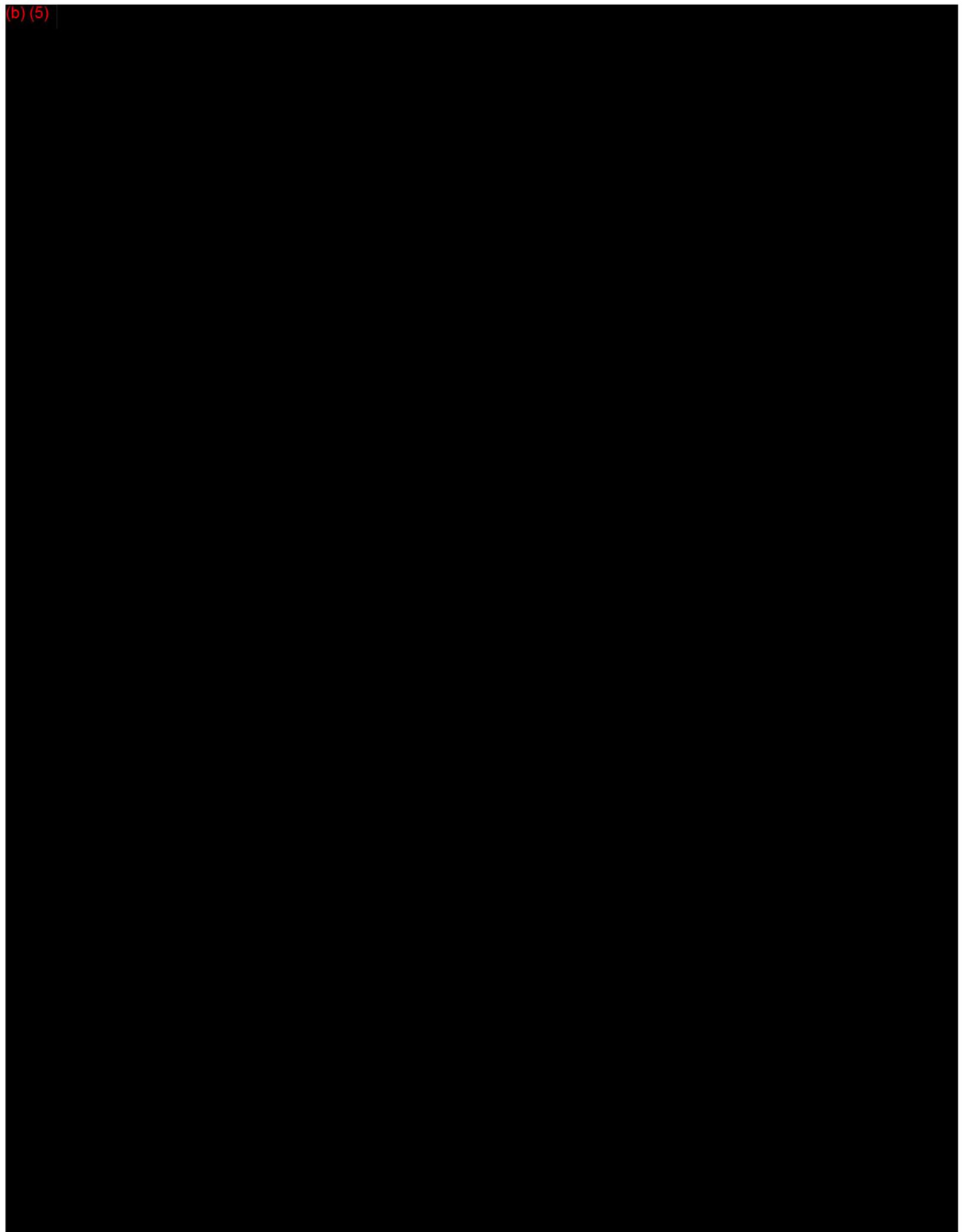


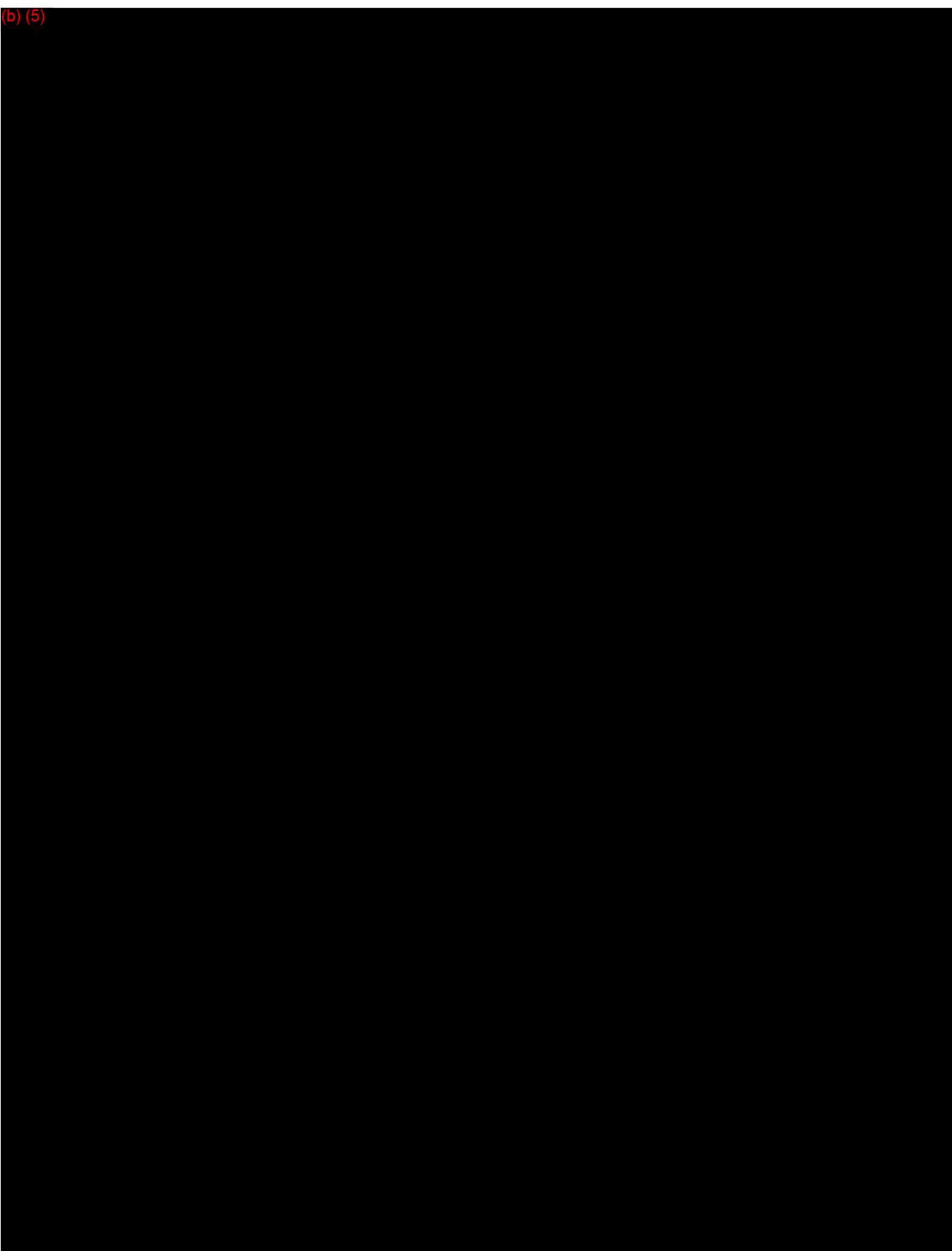
(b) (5)

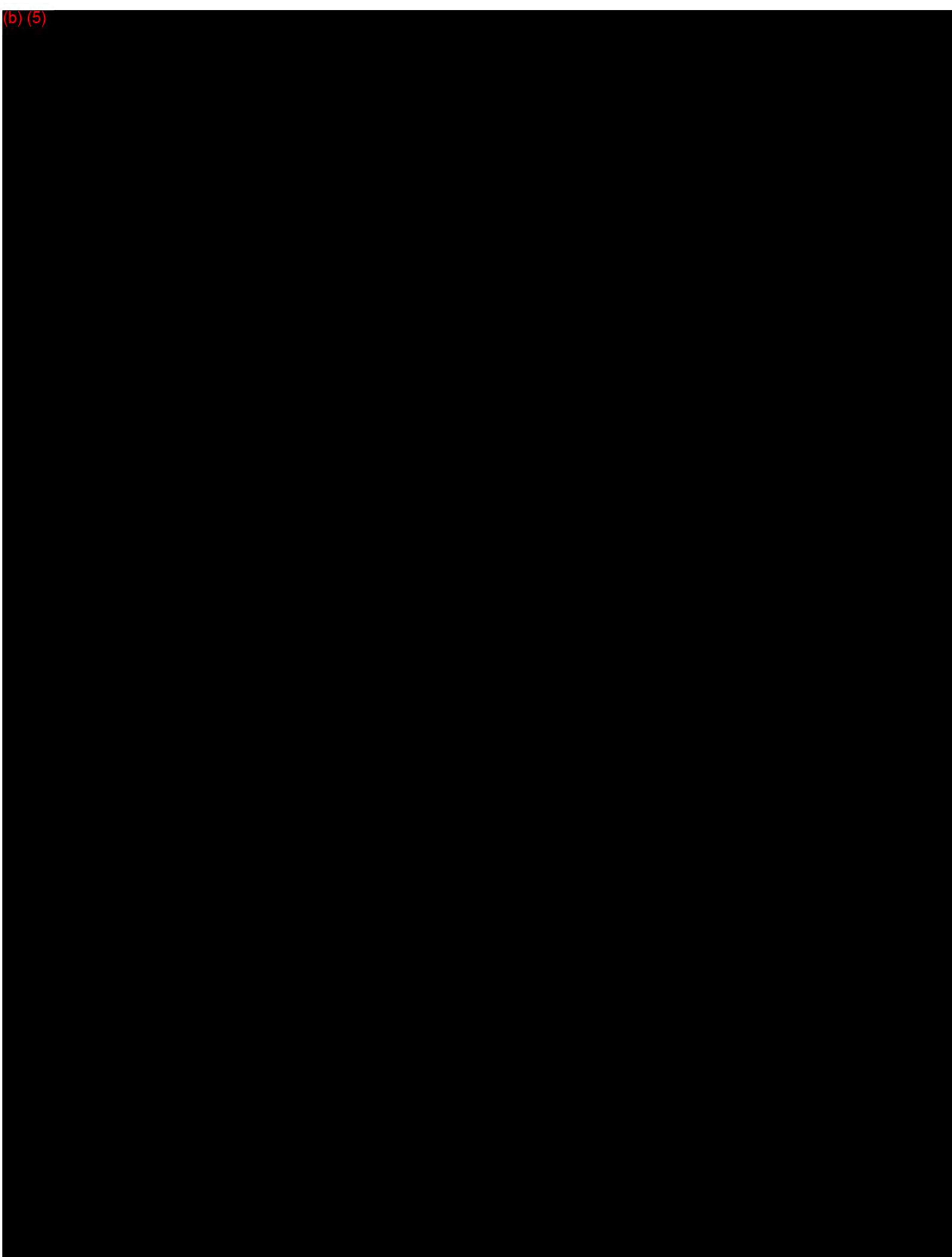


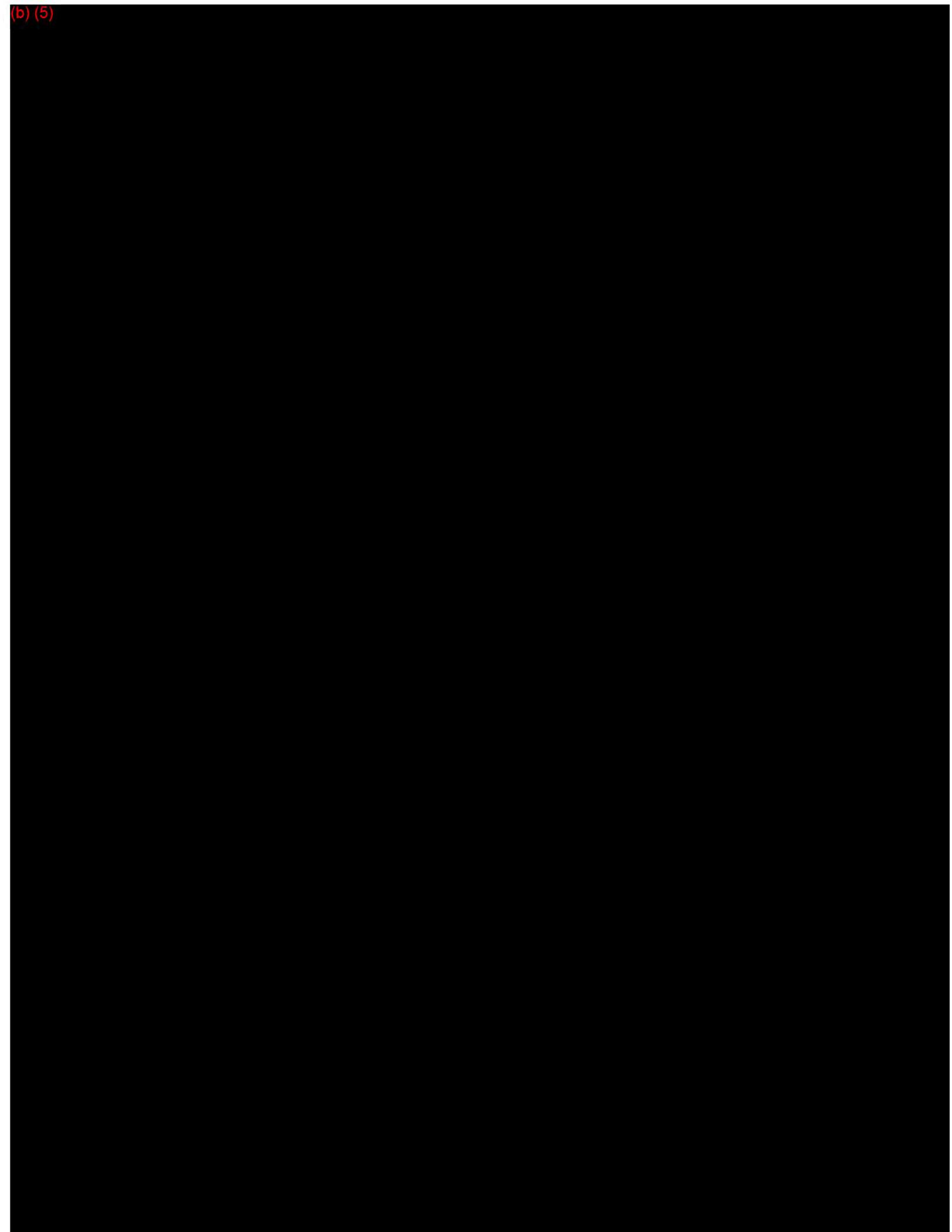


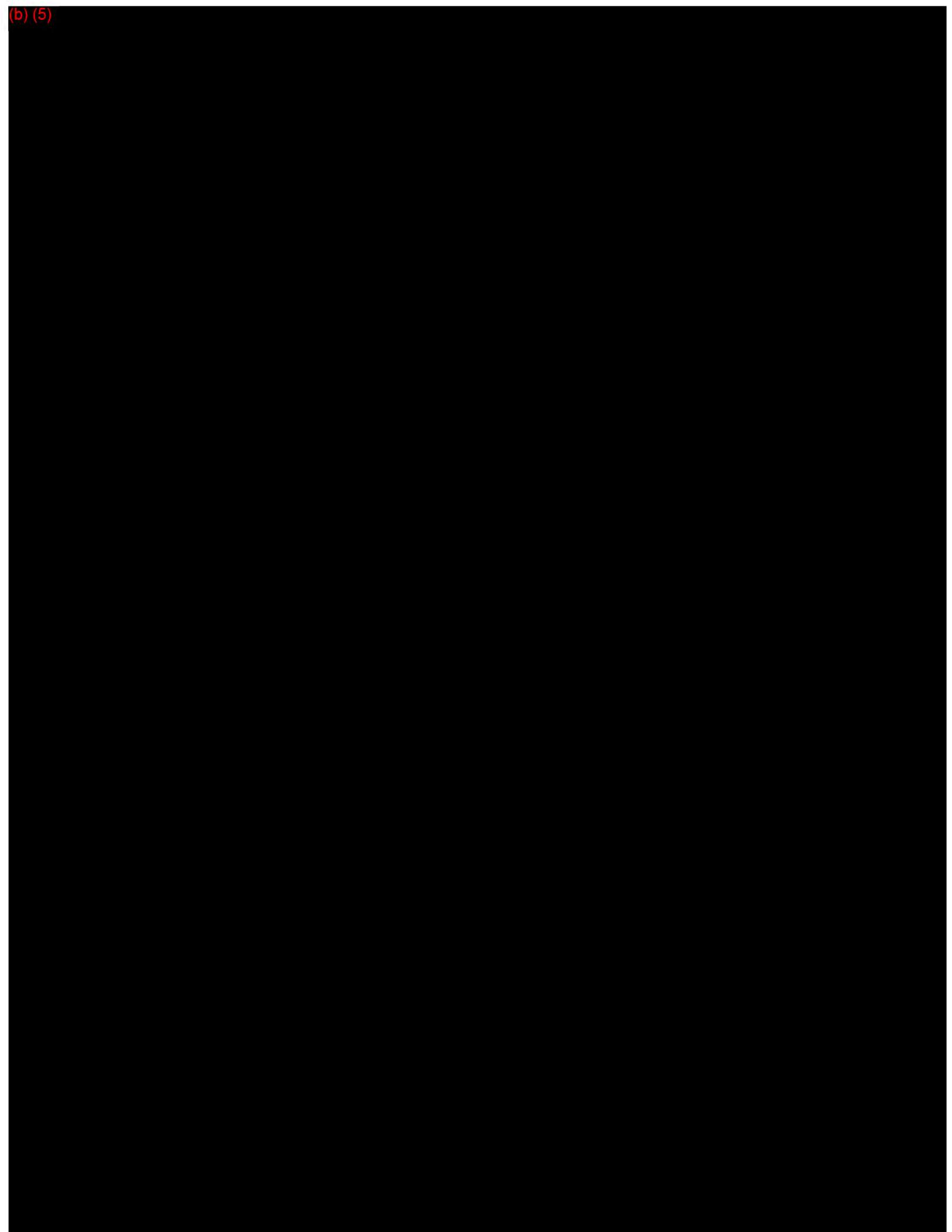
(b) (5)



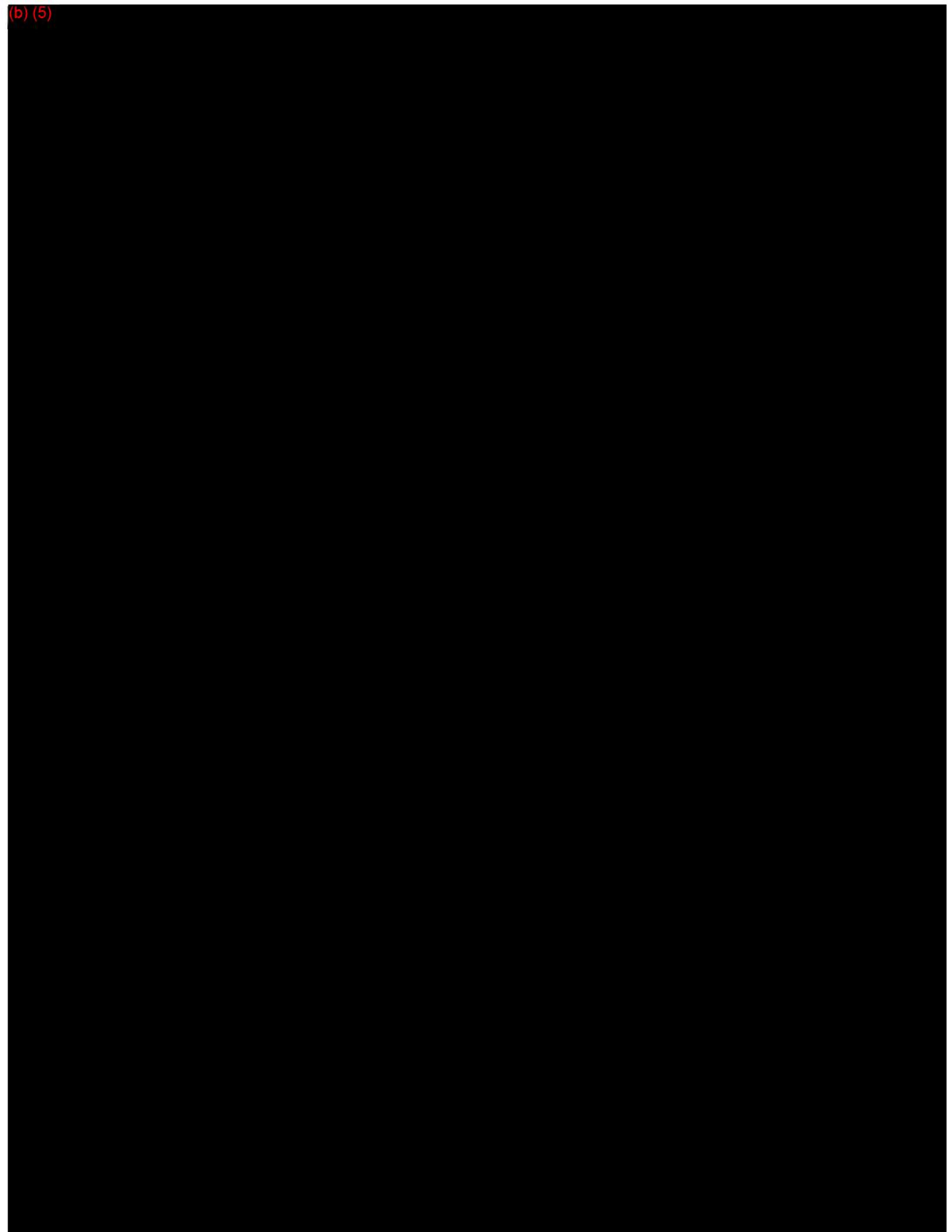


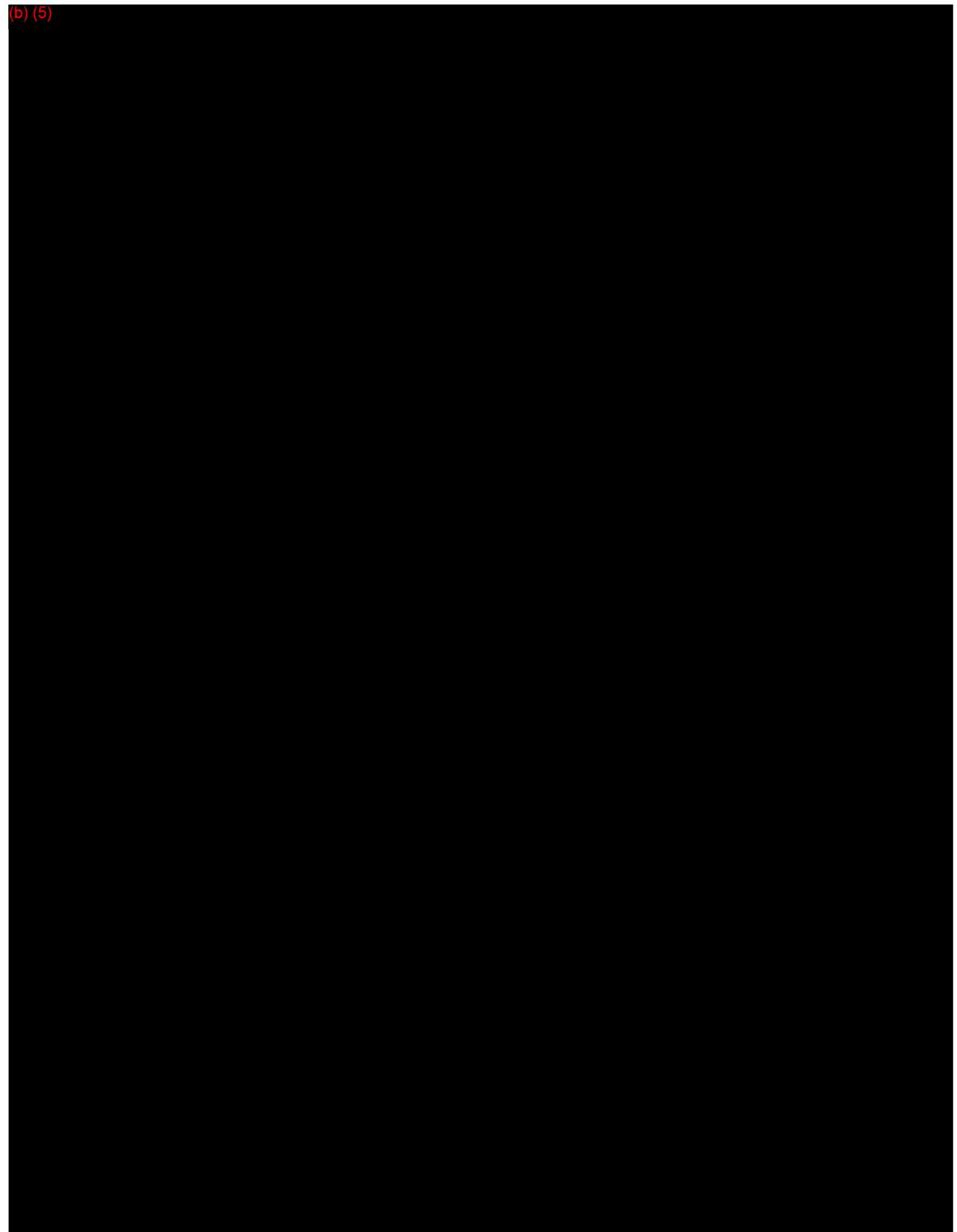




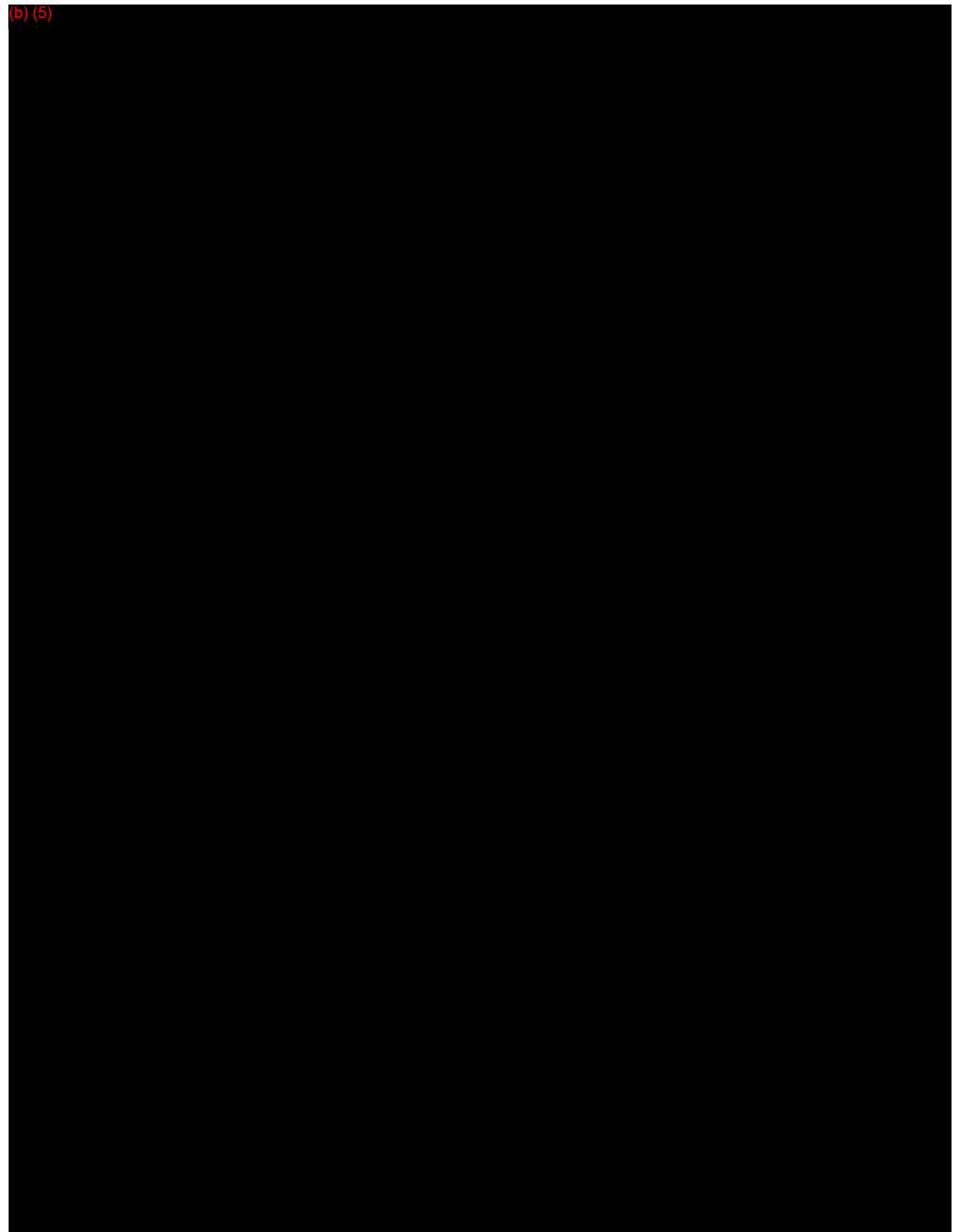


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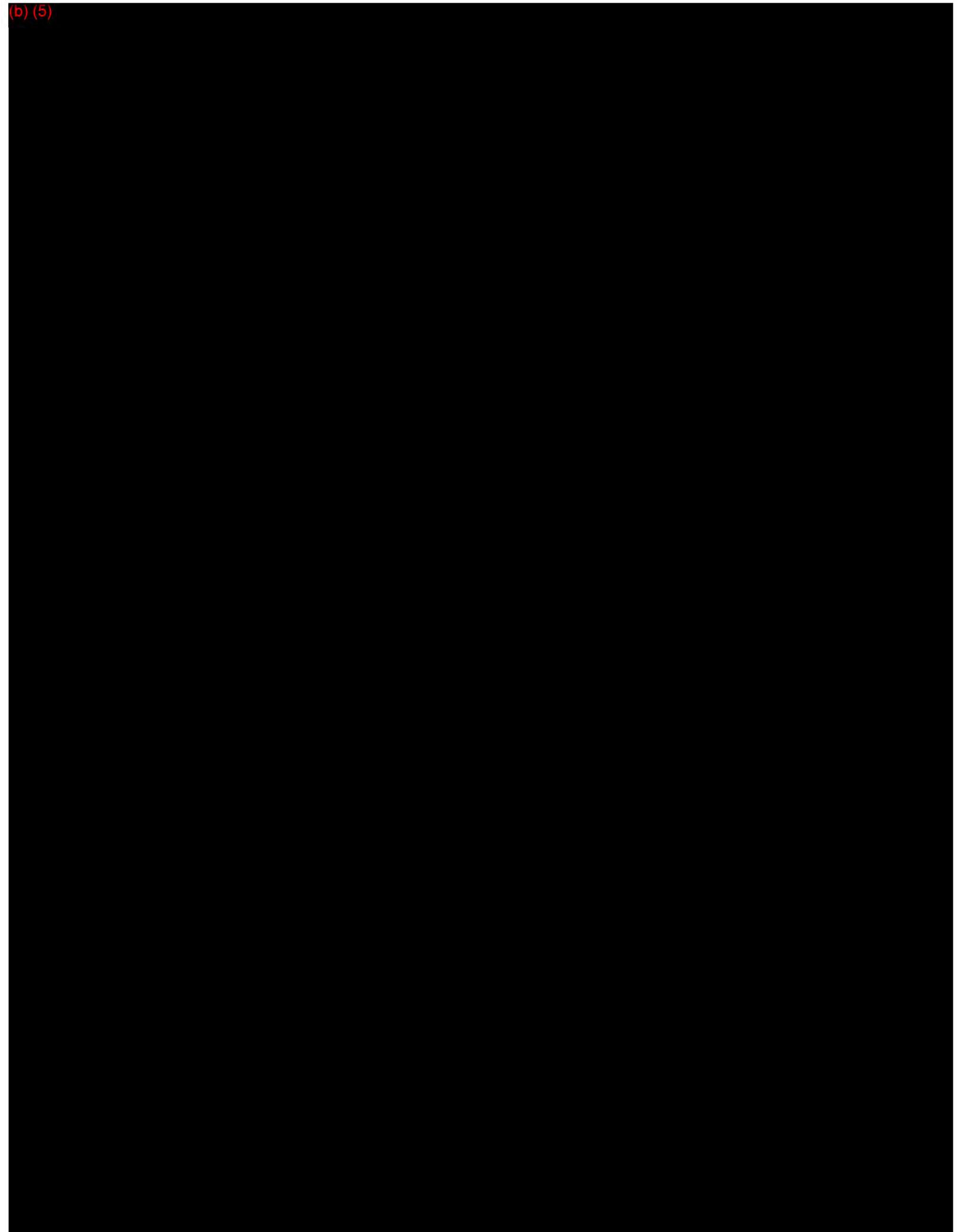




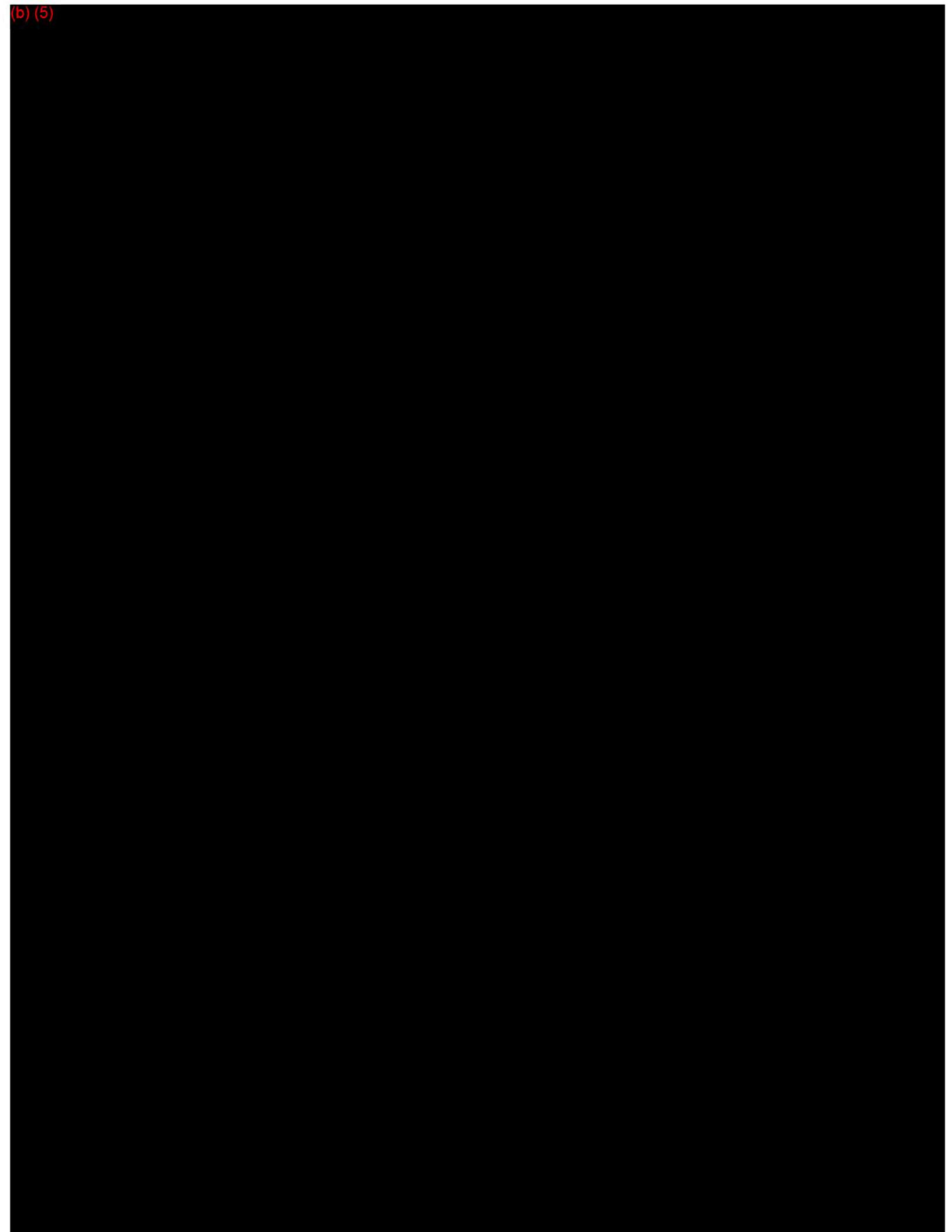
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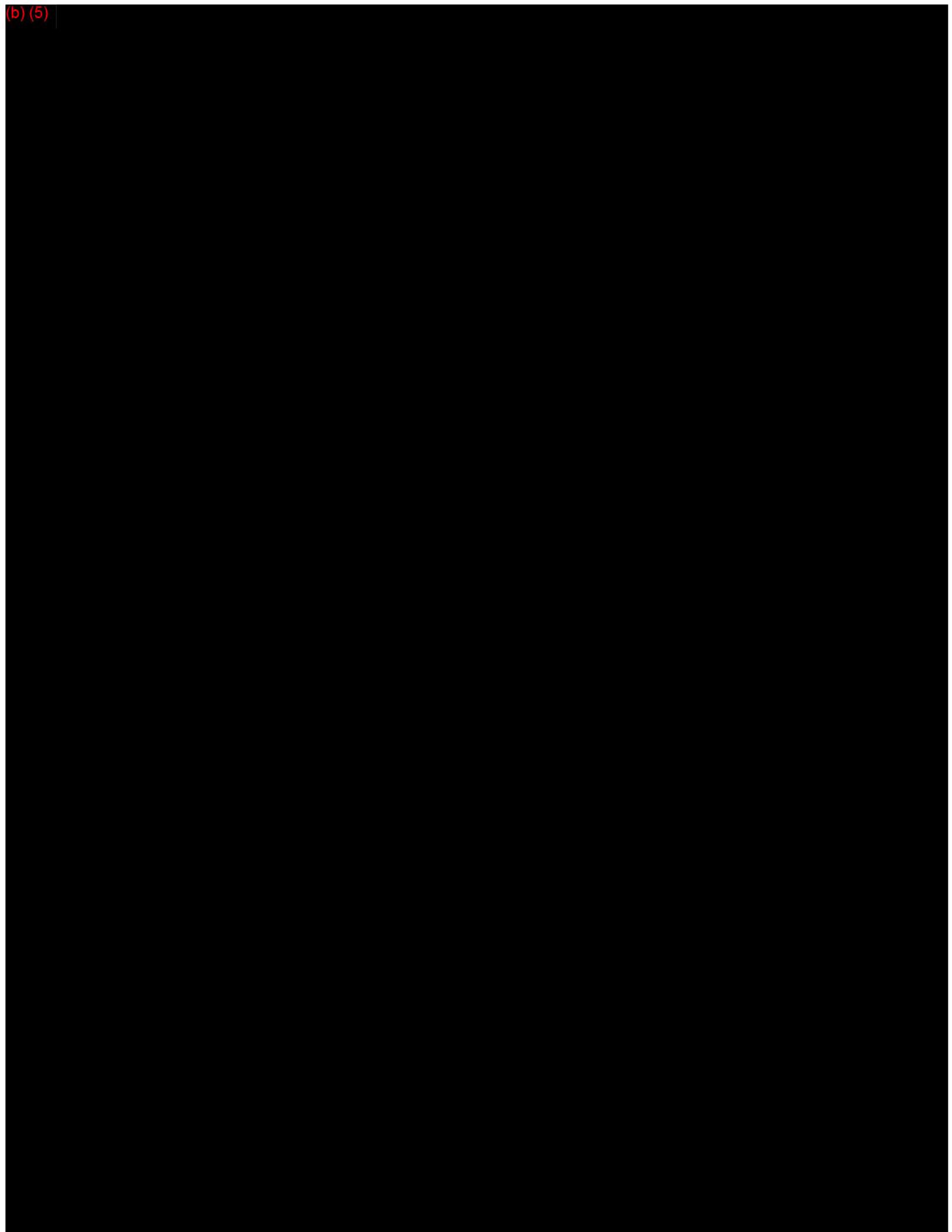


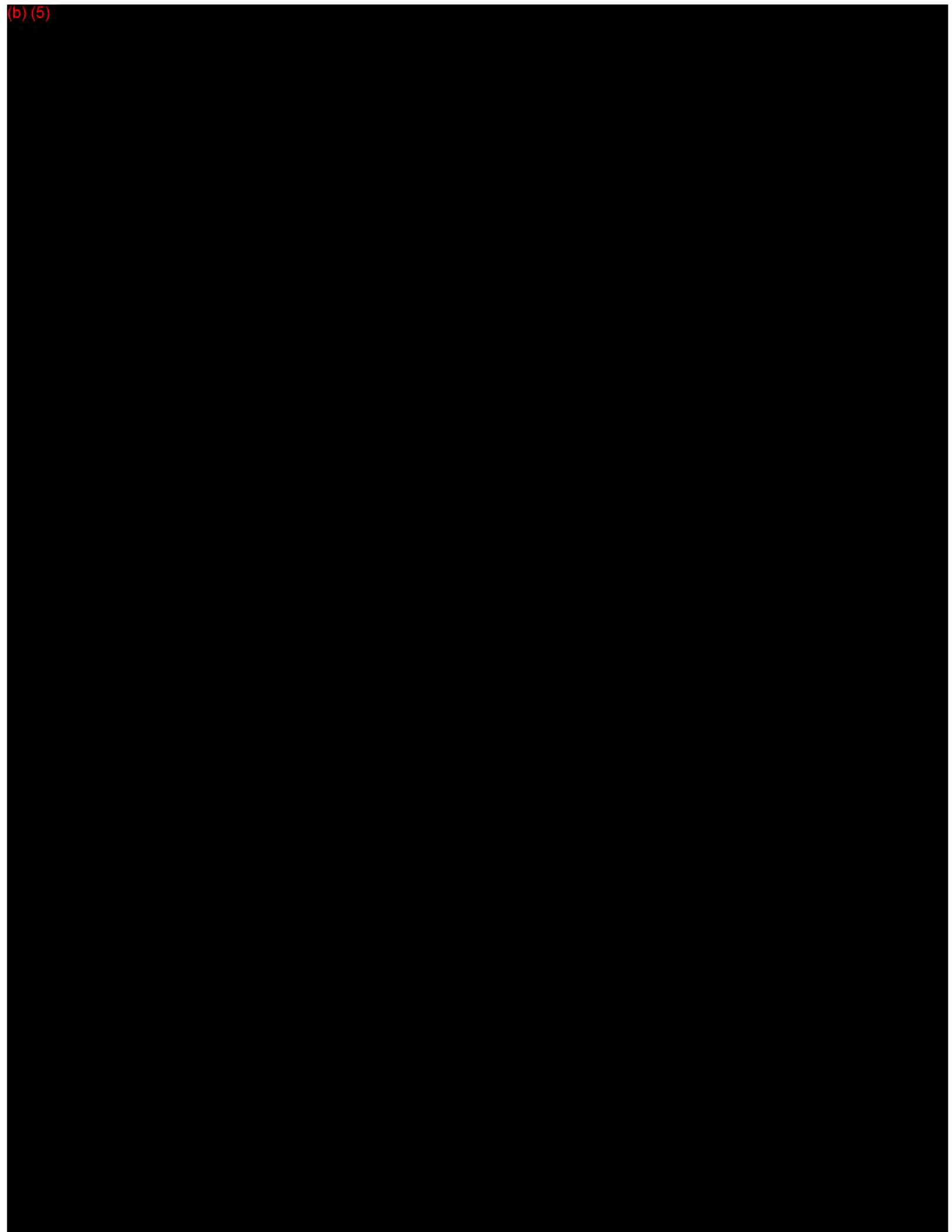
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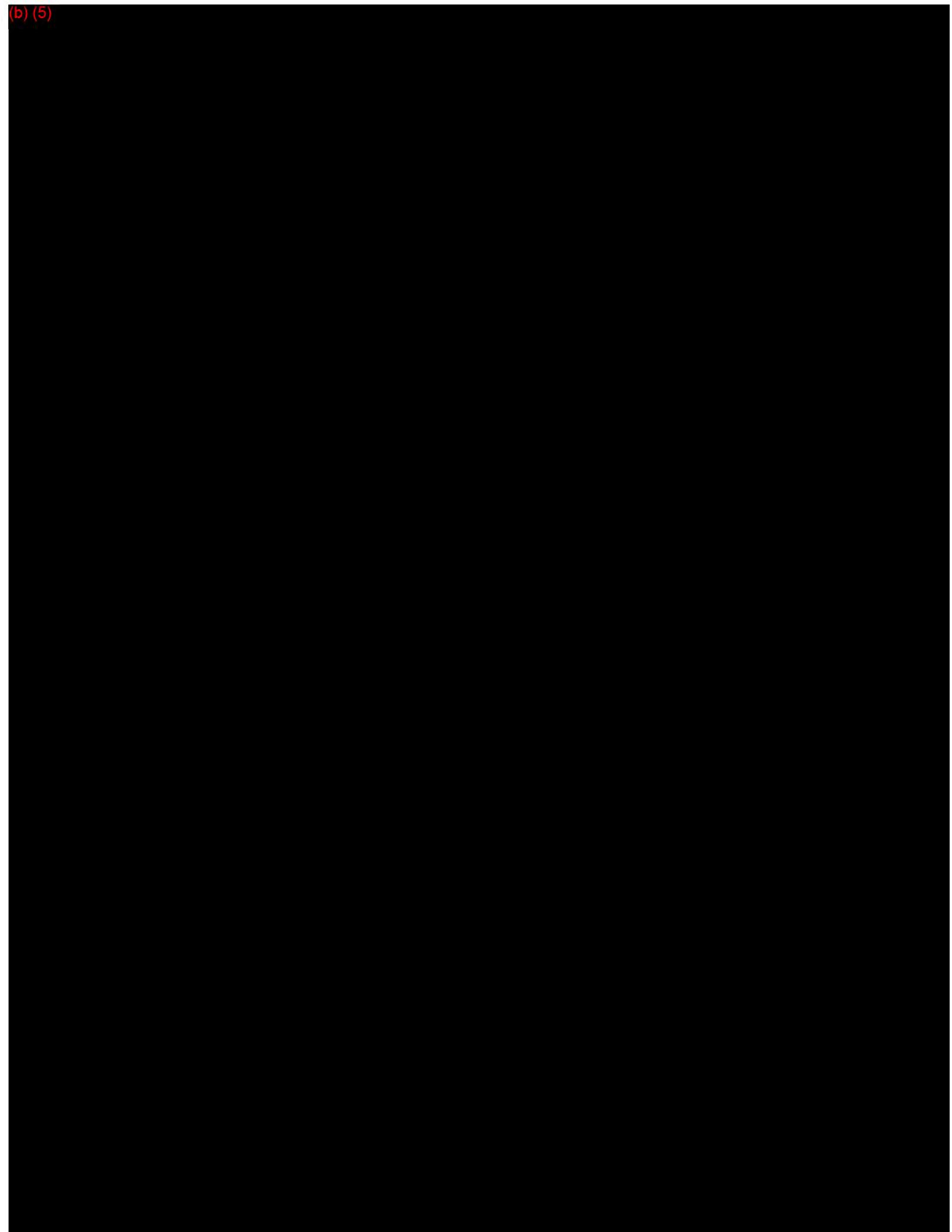


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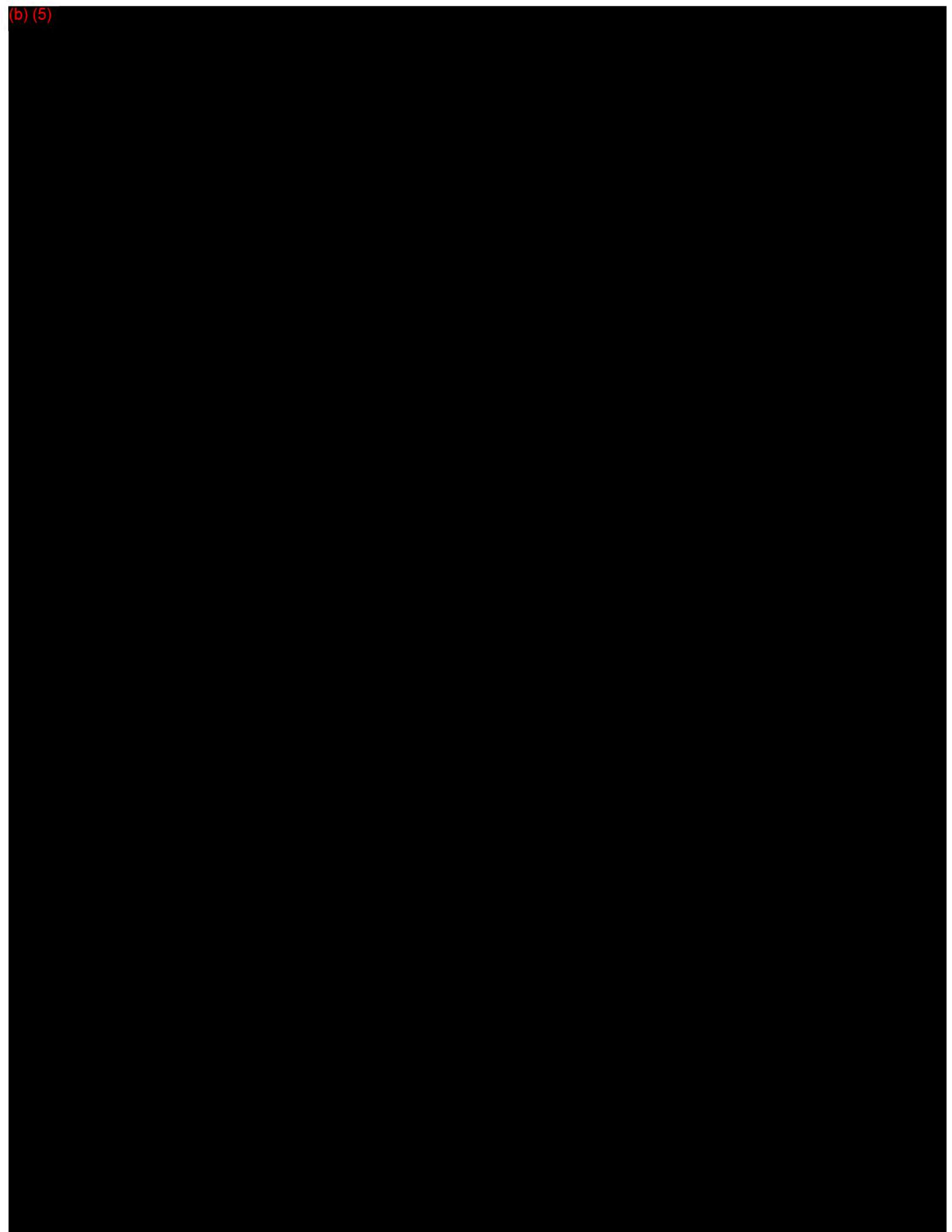




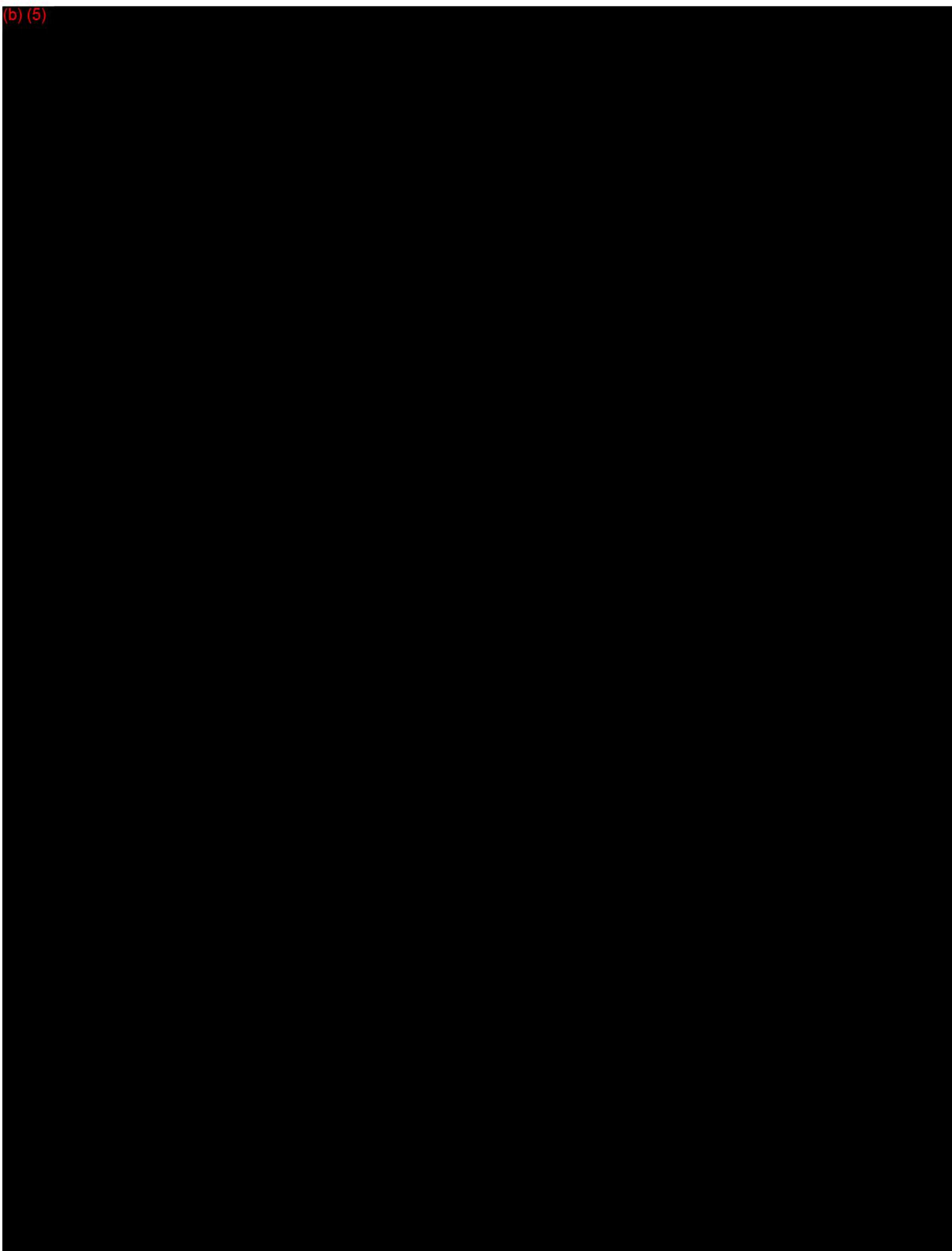


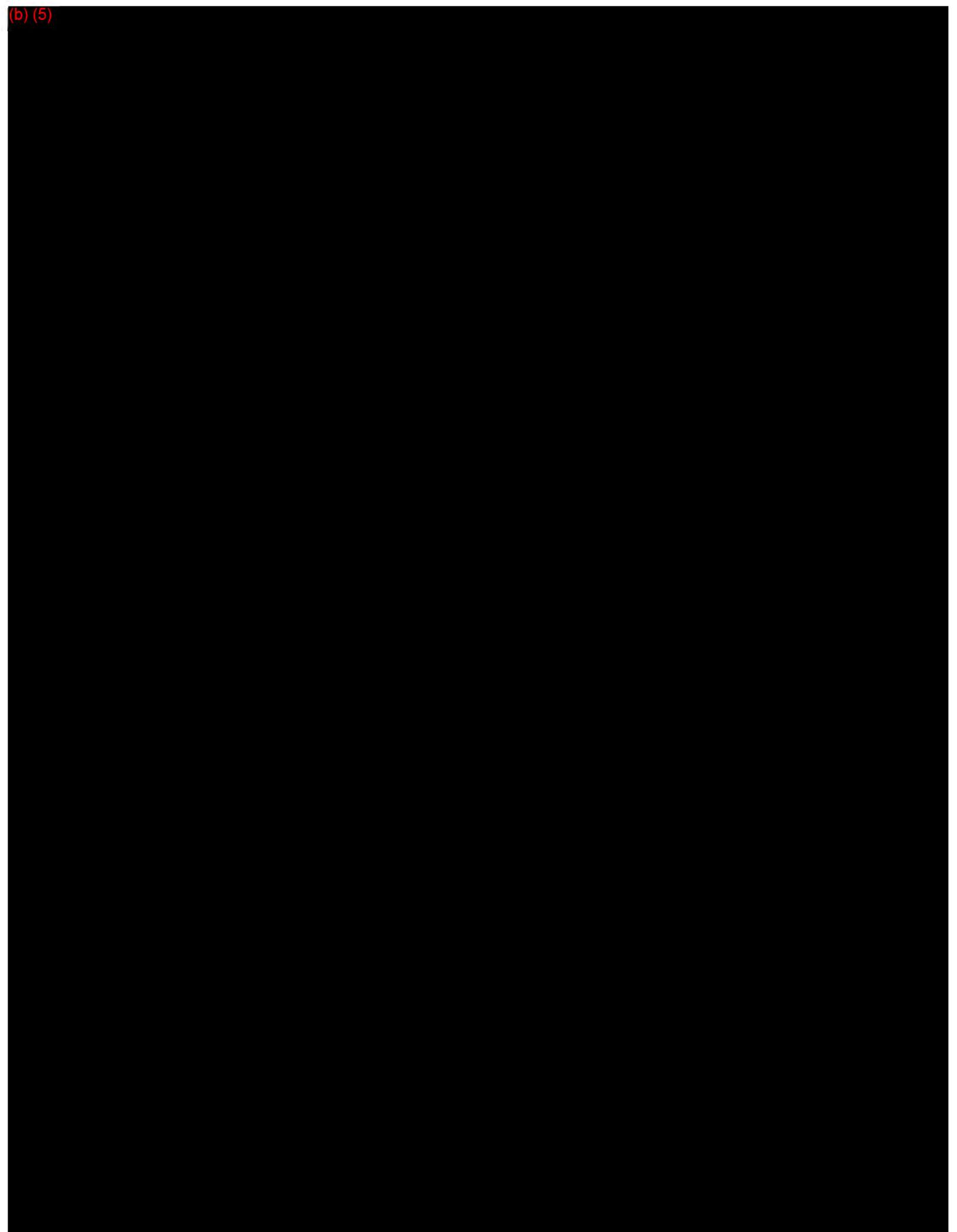


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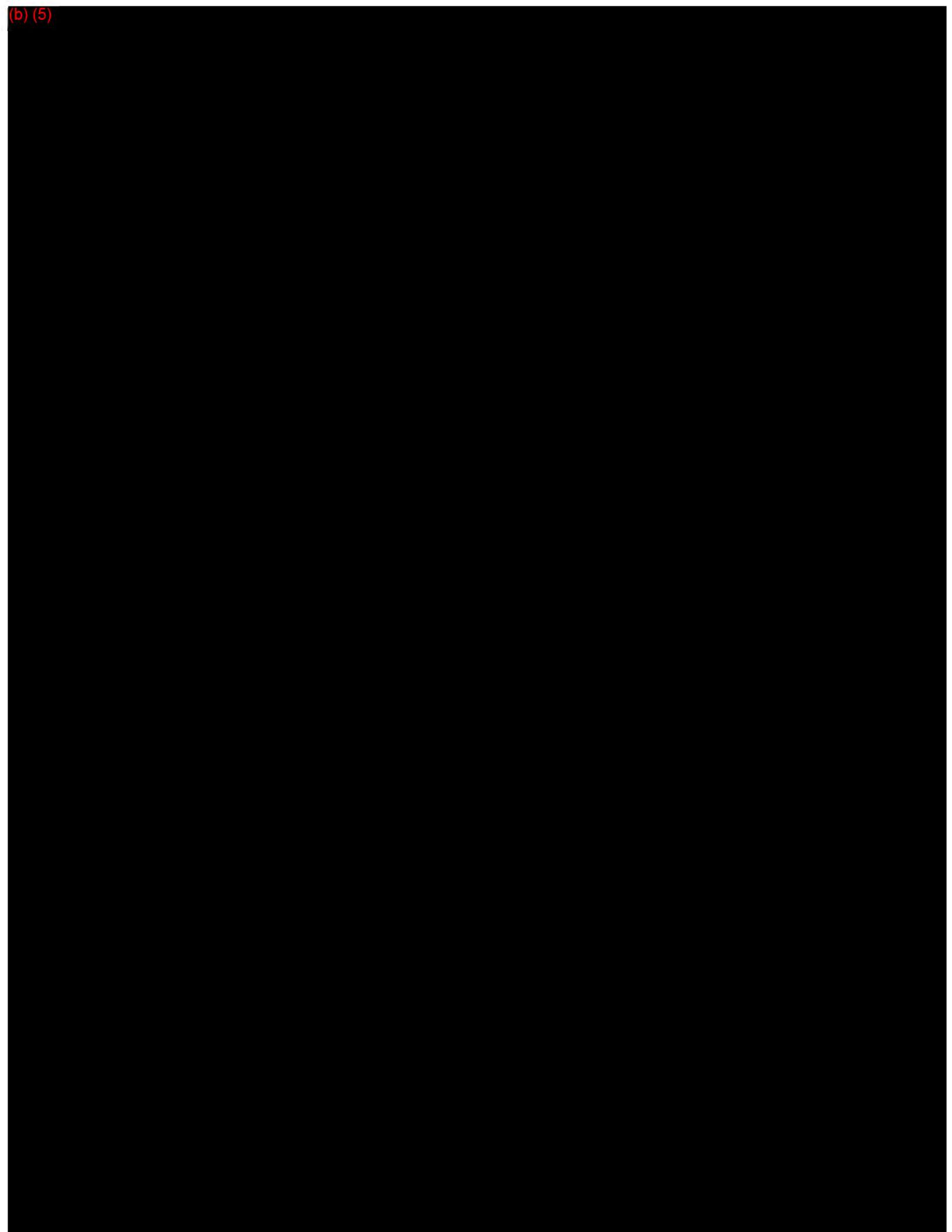


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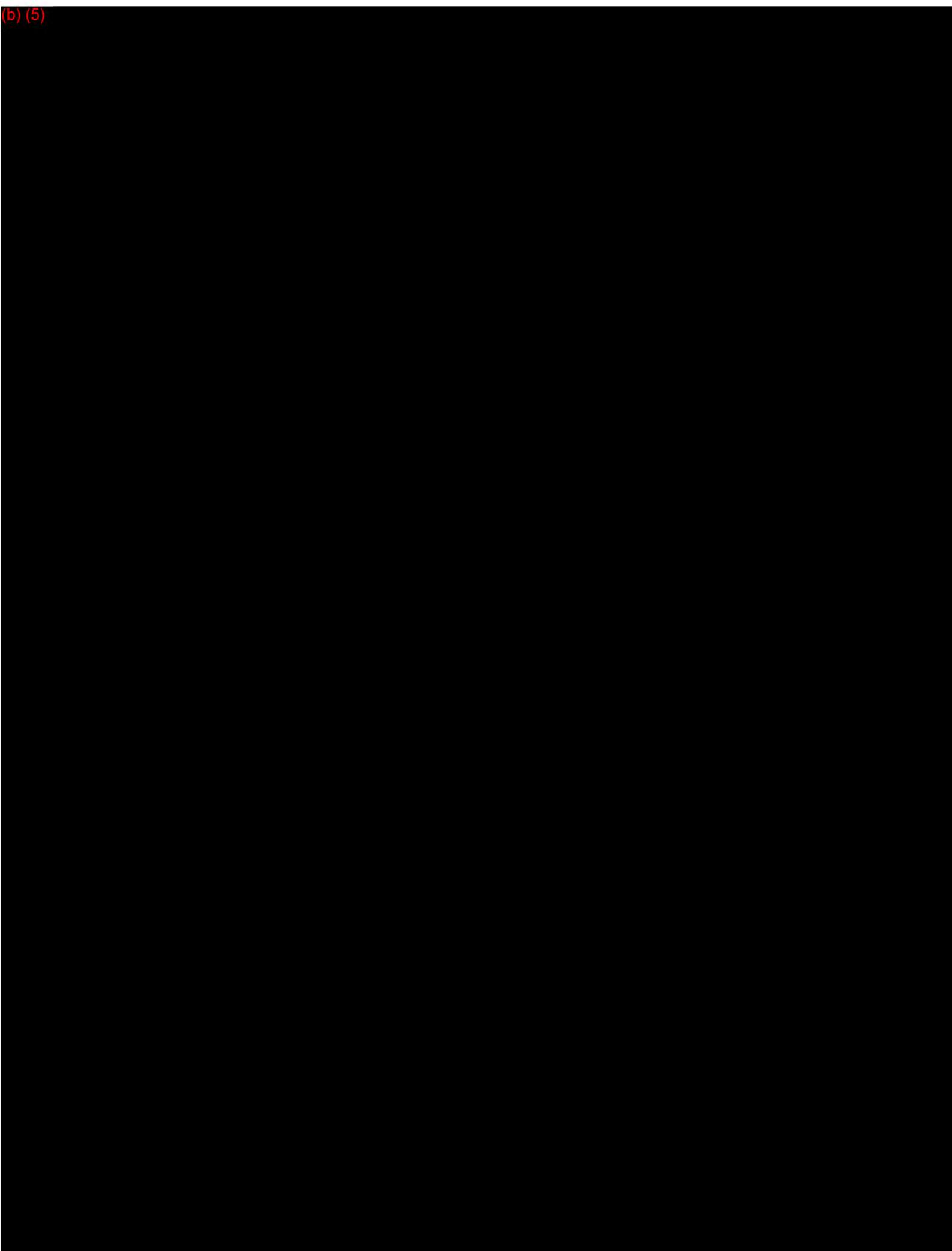


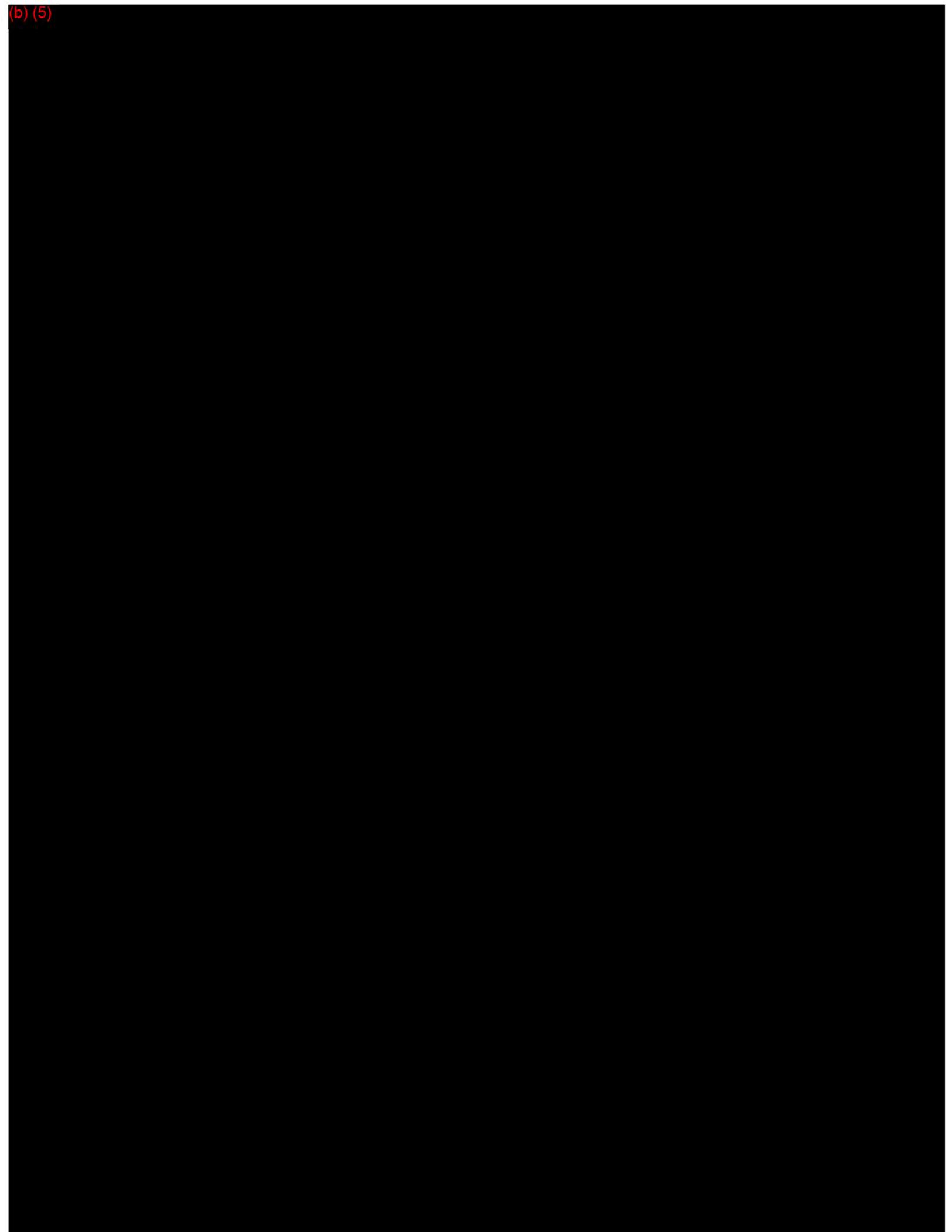


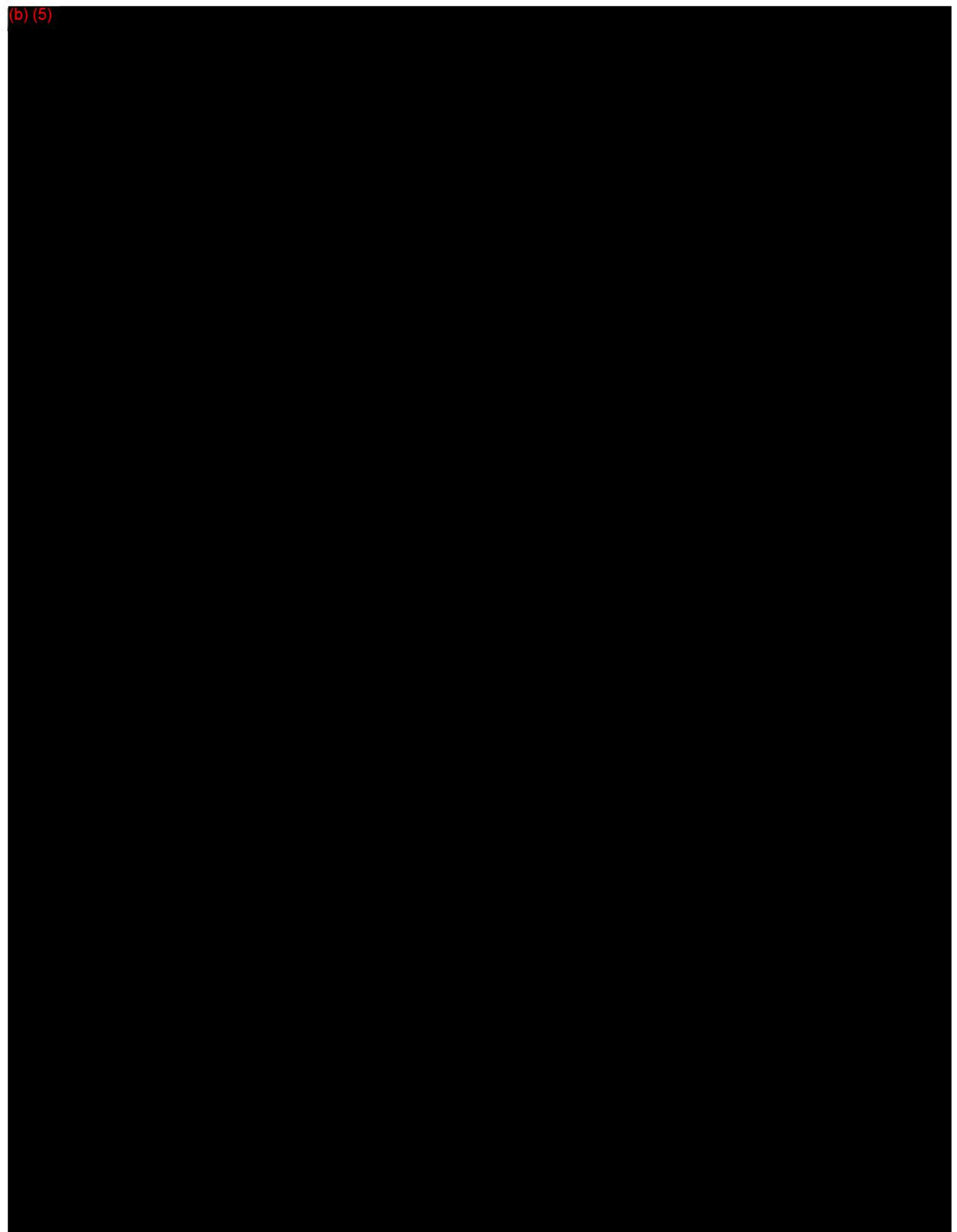
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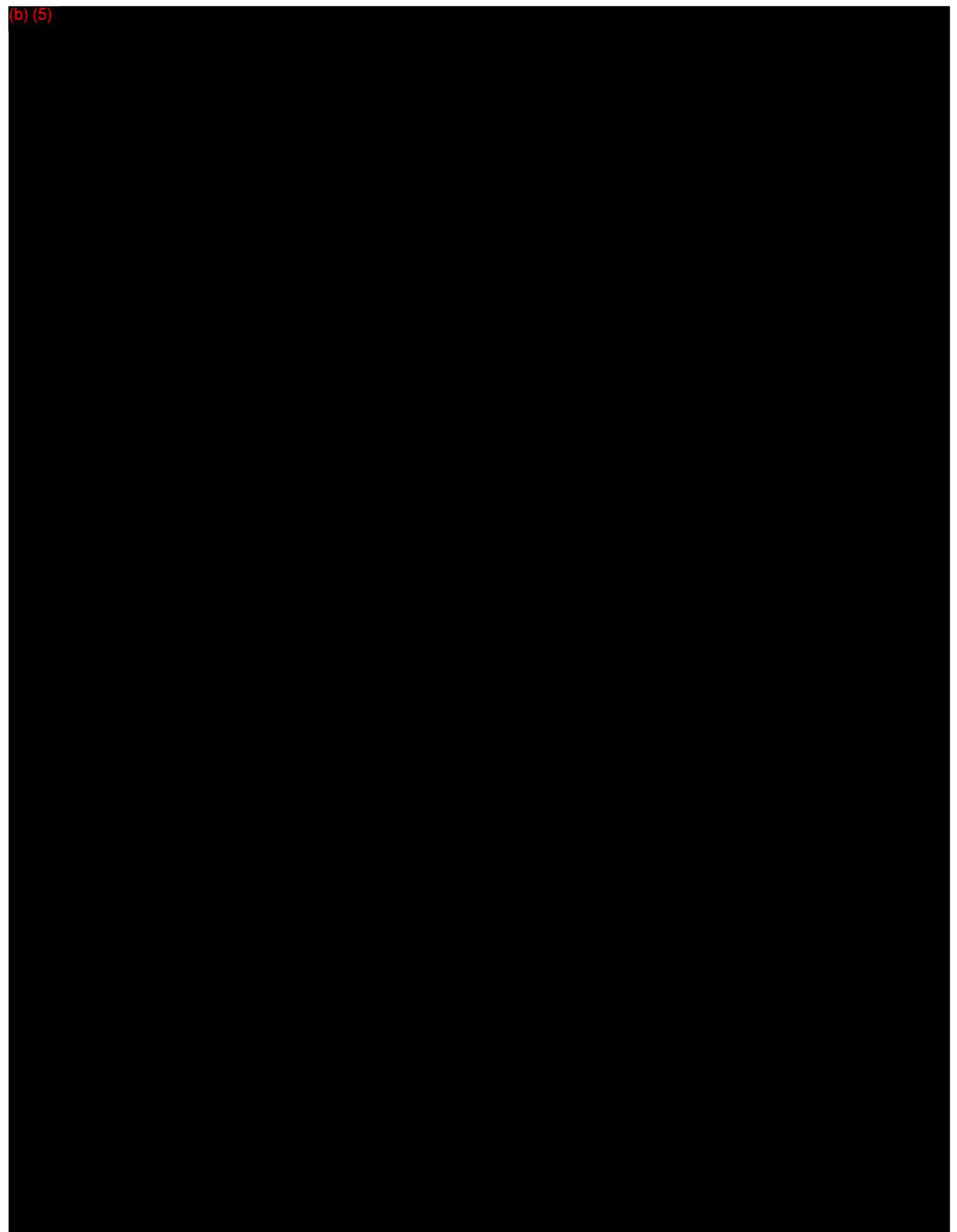
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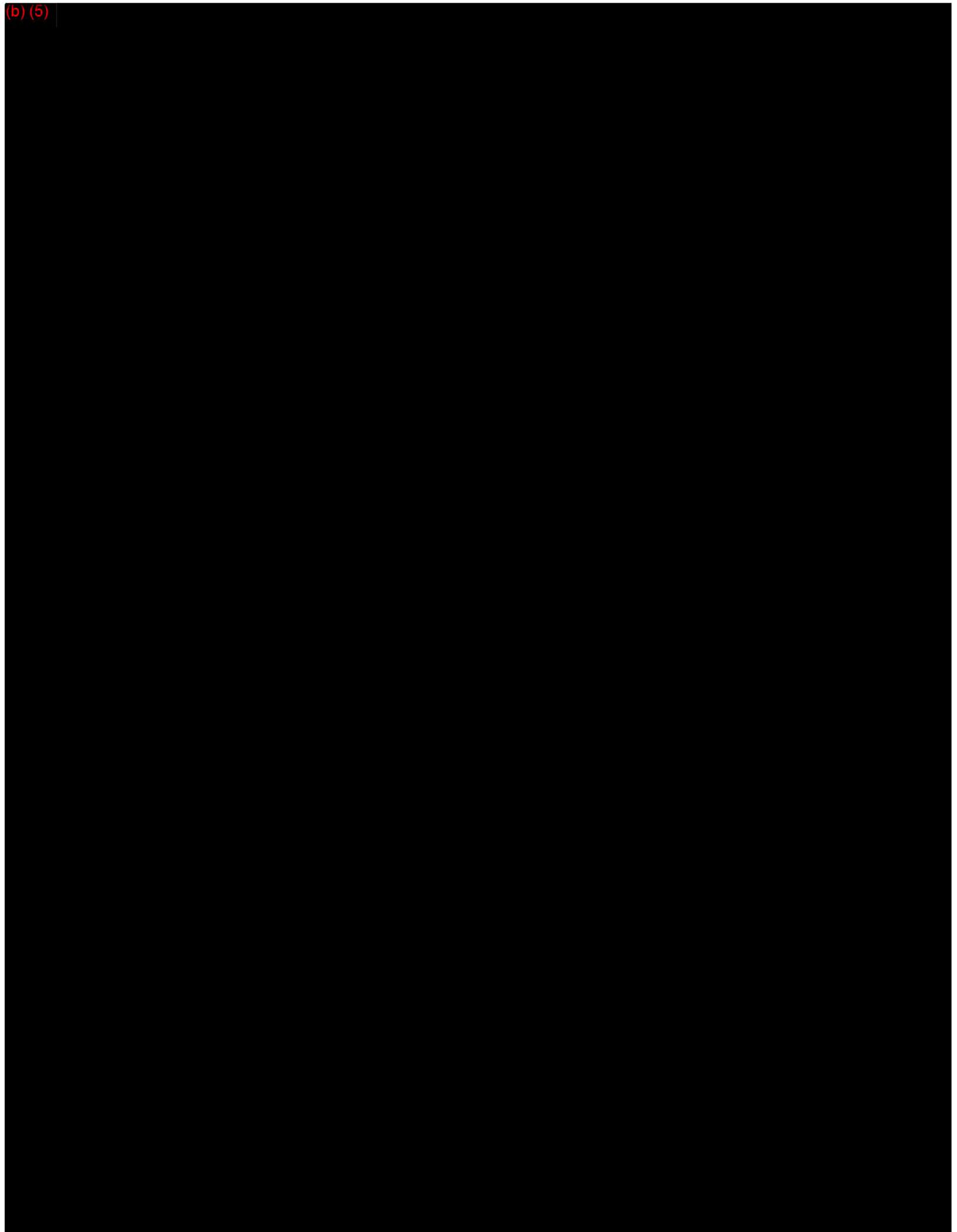


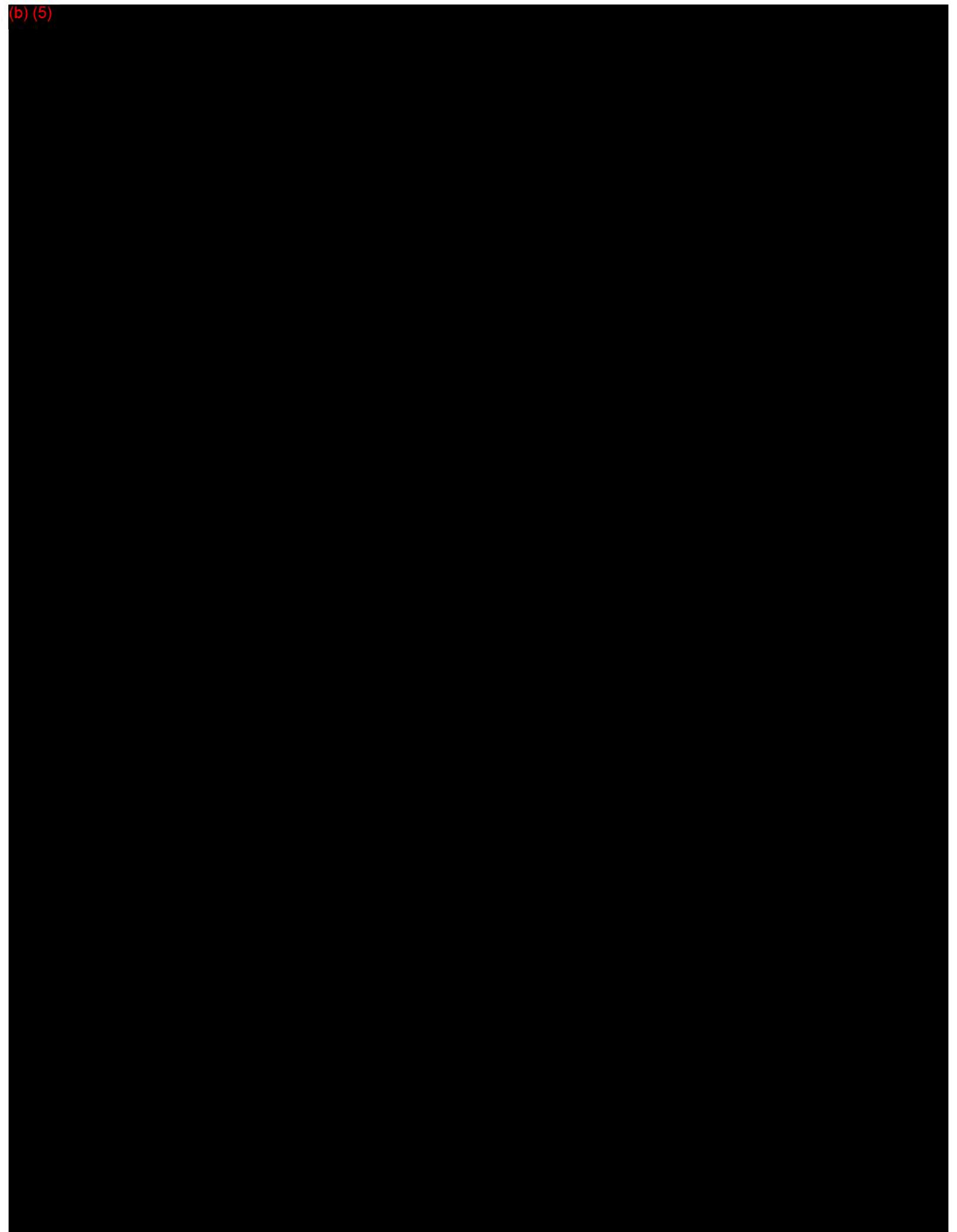




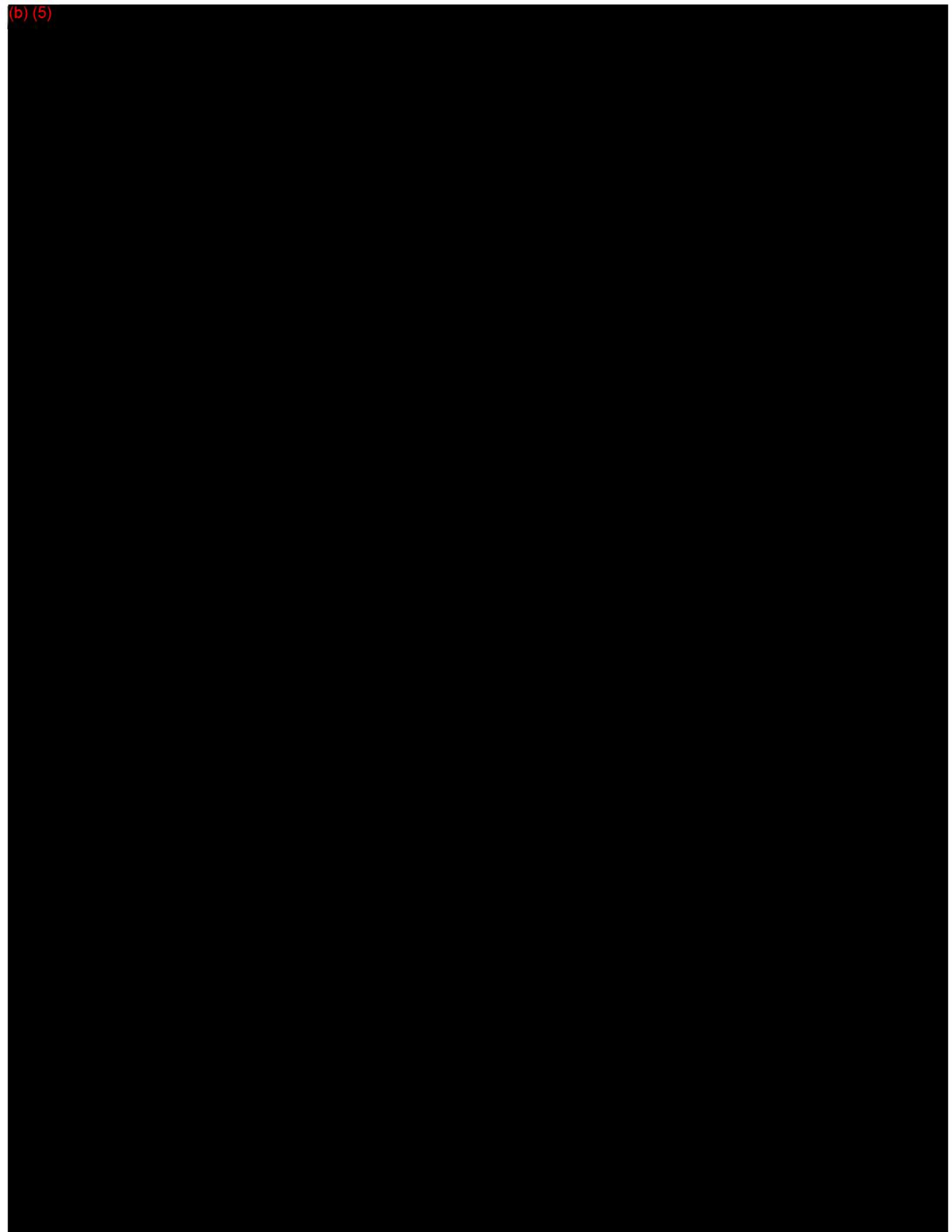
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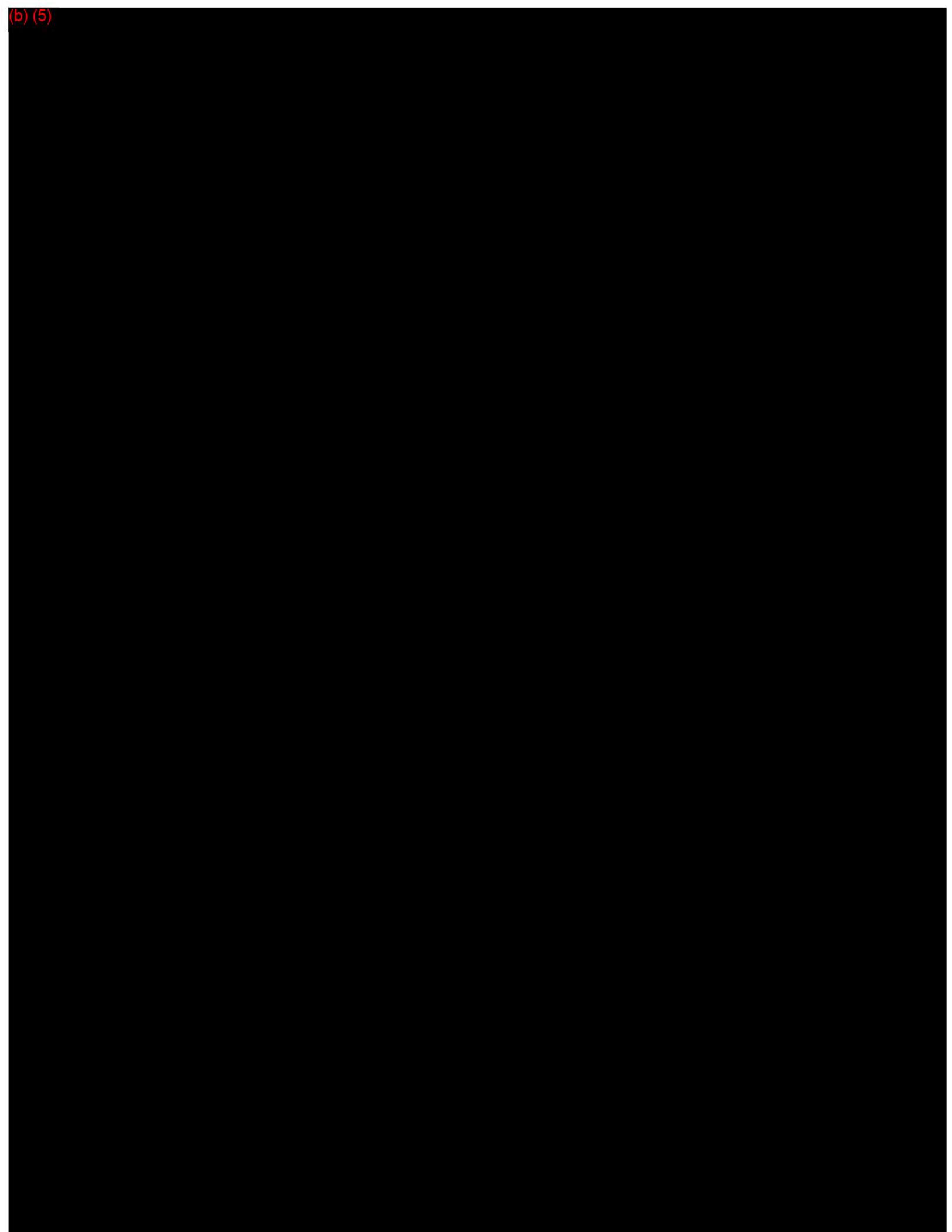




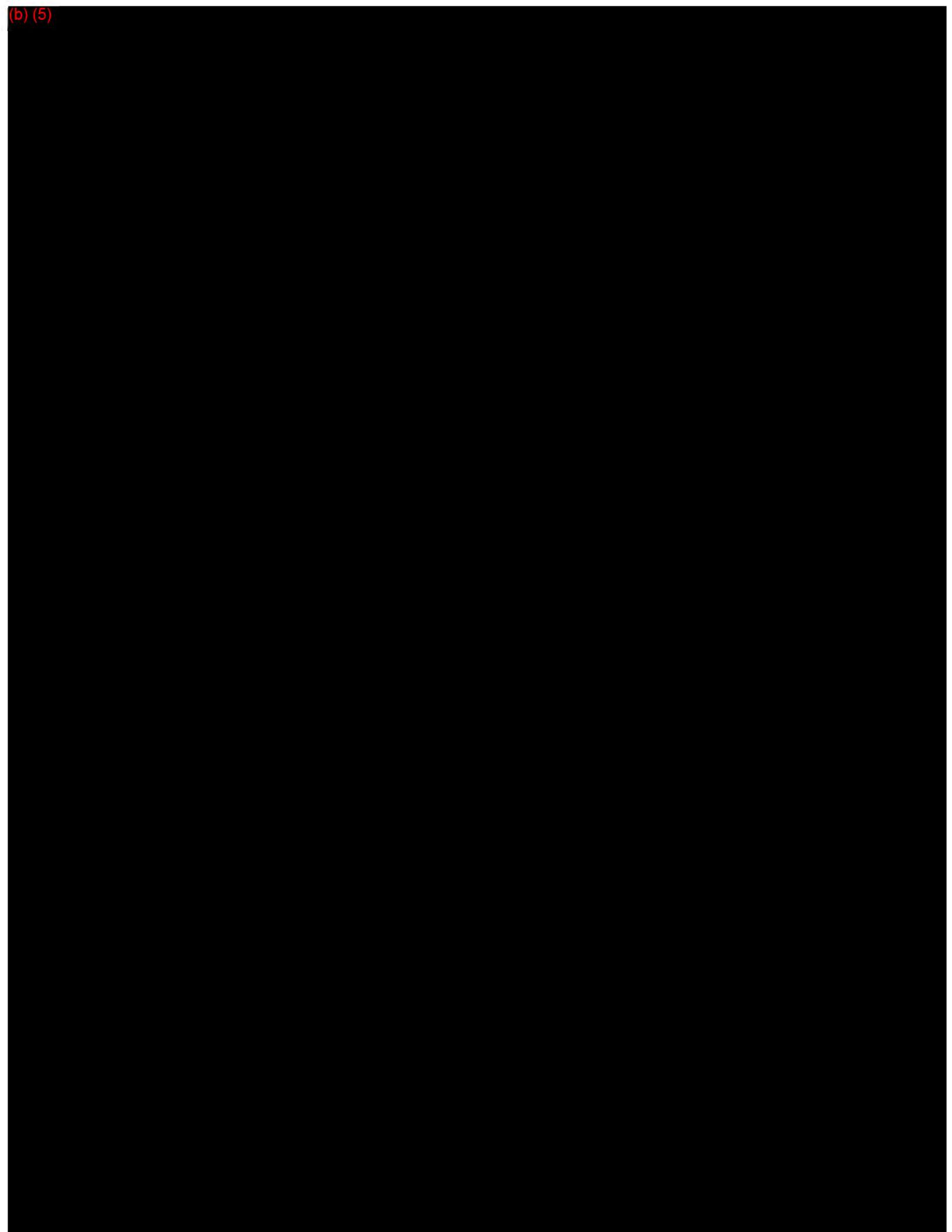
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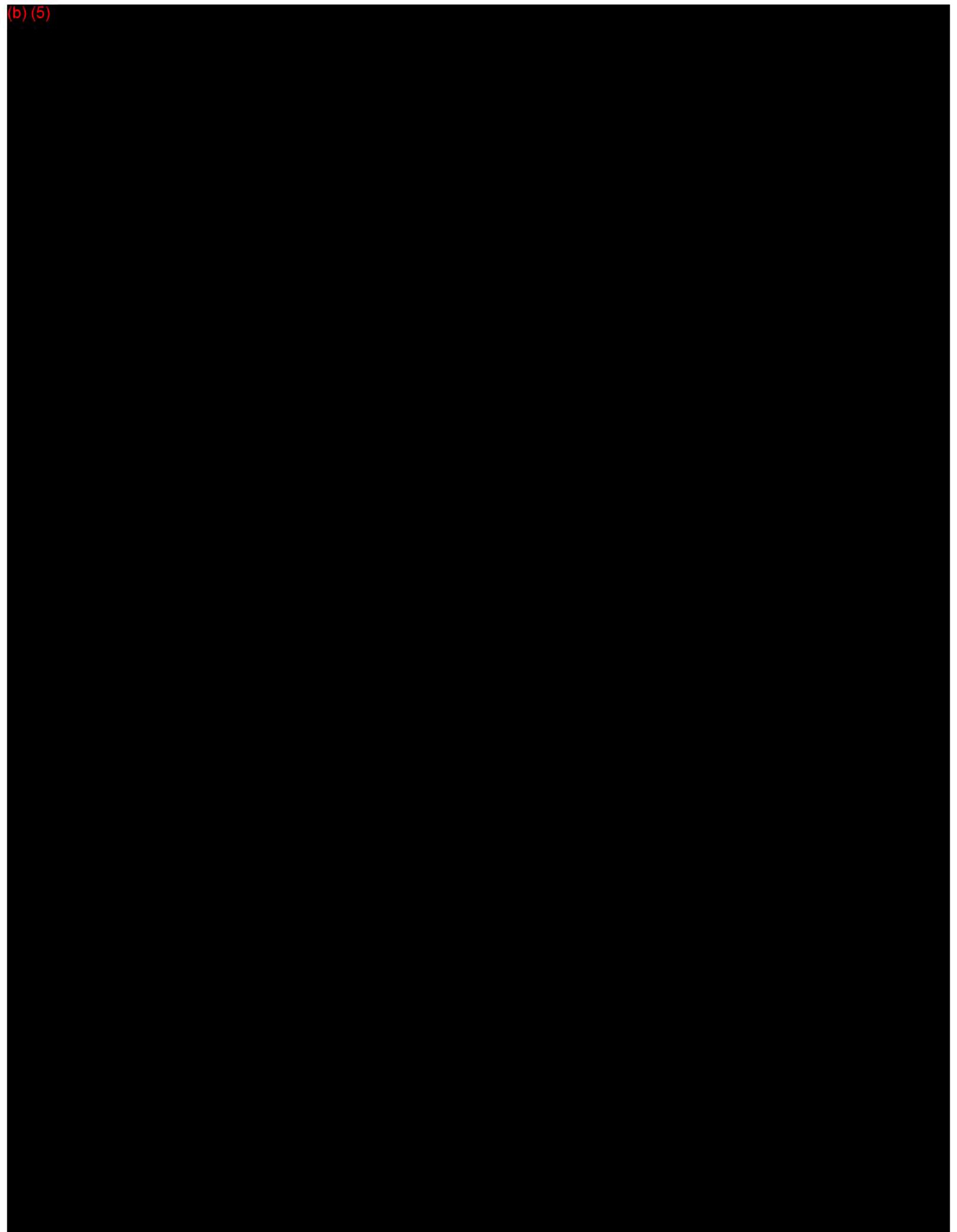
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(b) (5)



(b) (5)



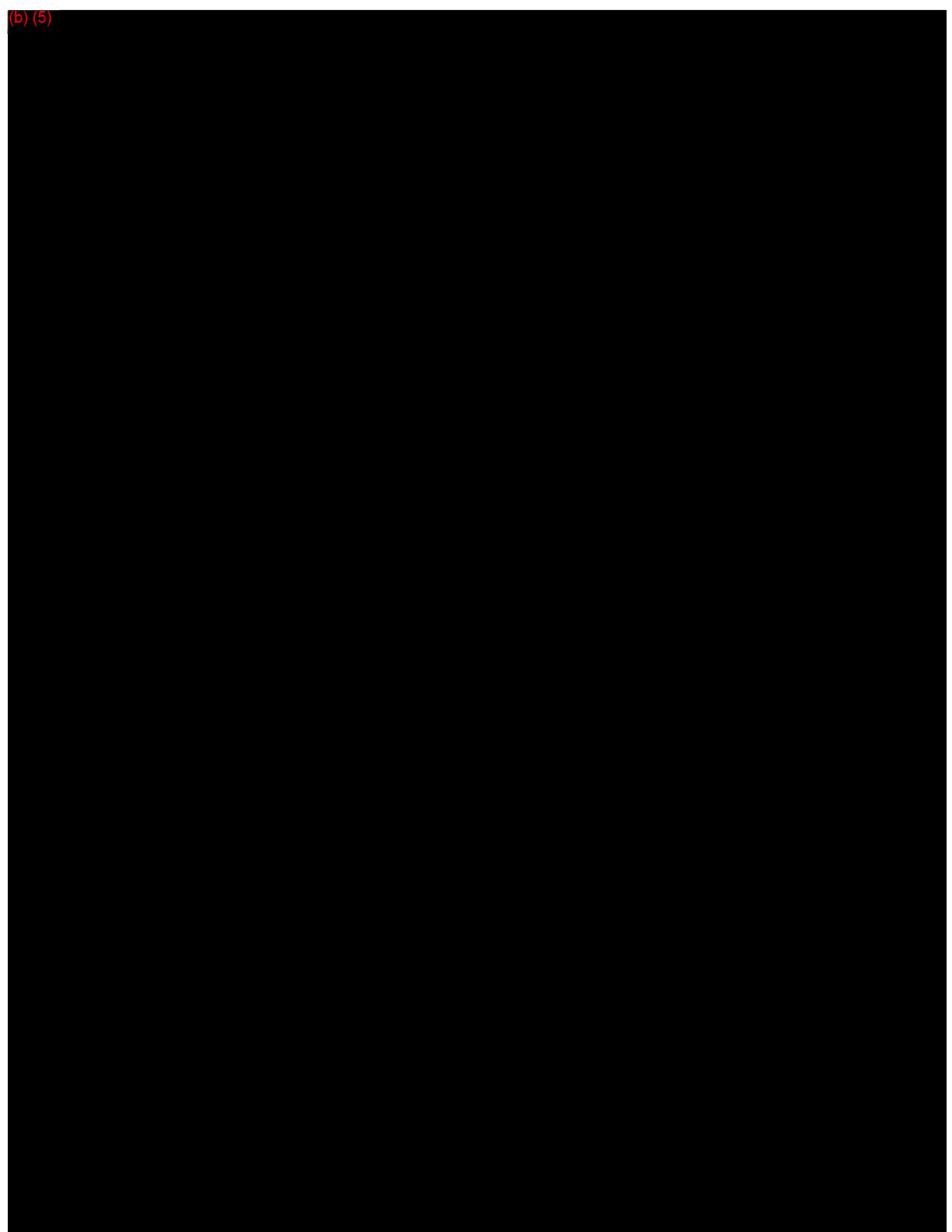
## See attached

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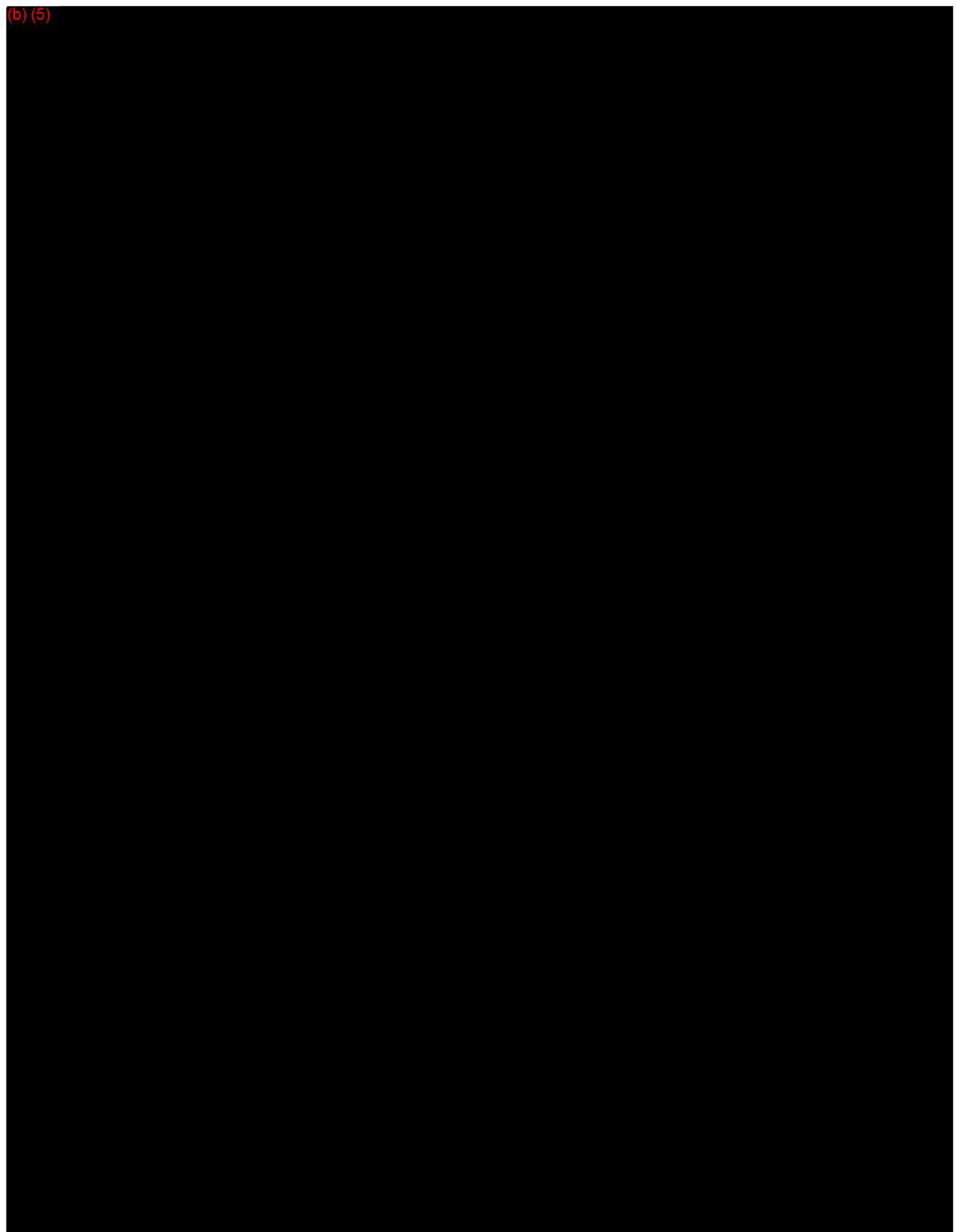
**From:** "Smith, Katherine R. EOP/CEQ" <"/o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=e45de0bbb5ca4e87a4c4528ec12a7b03-sm">  
**To:** "Pettigrew, Theresa L. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 25 Jul 2018 19:48:01 -0400  
**Attachments:** All Neumayr QFRs 07.19.2018 DRAFT RESPONSES.docx (81.75 kB)

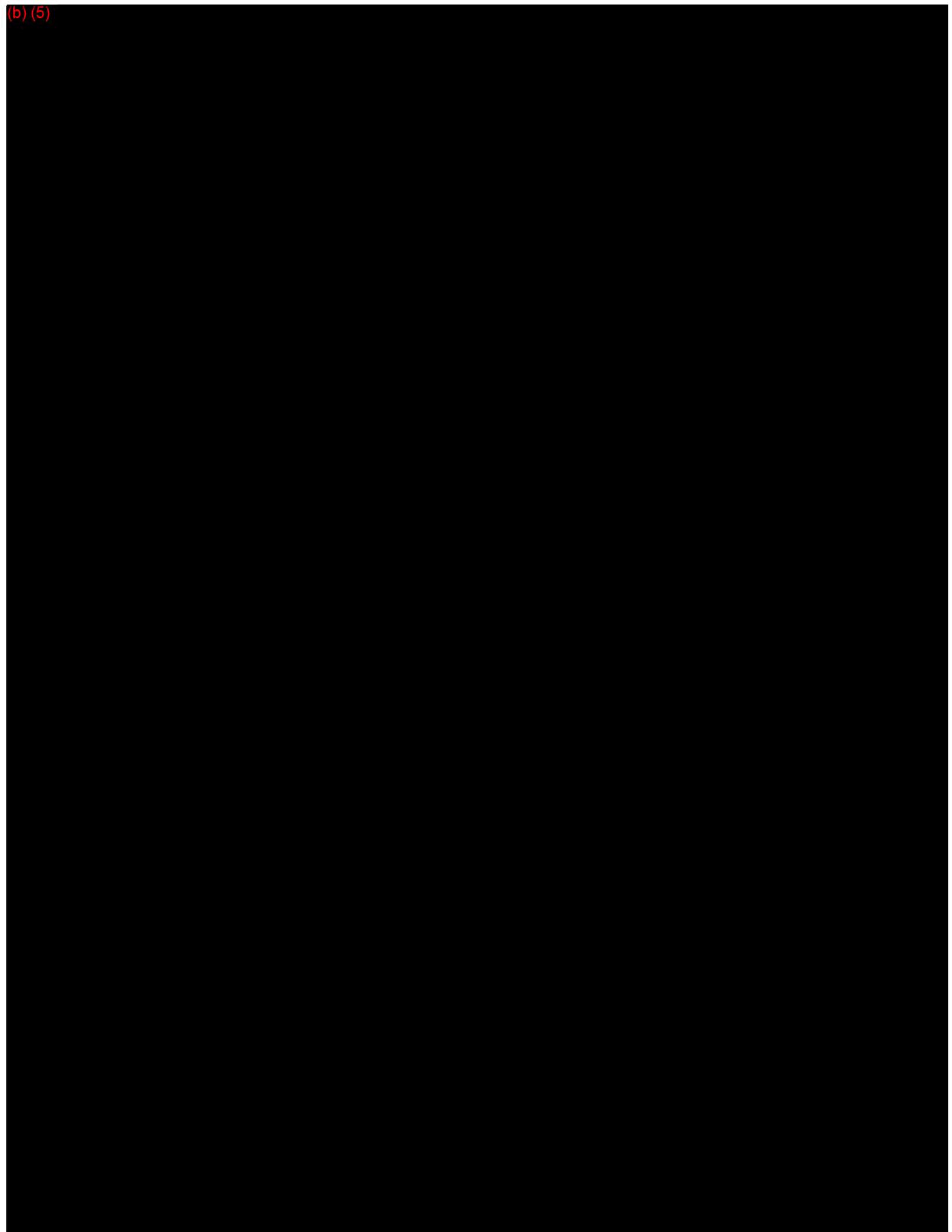
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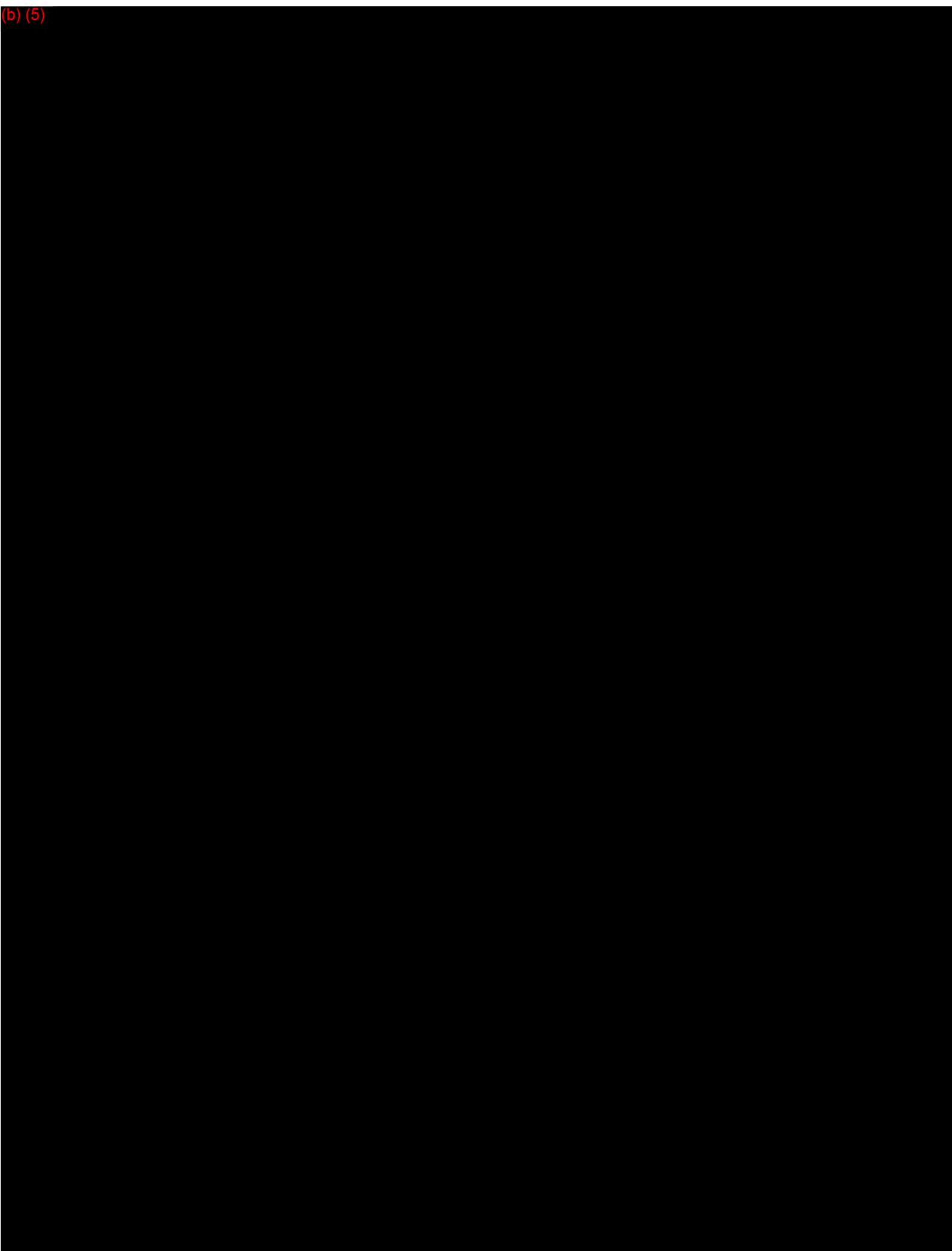
Katherine Smith  
Special Assistant  
Council on Environmental Quality  
(b) (6)

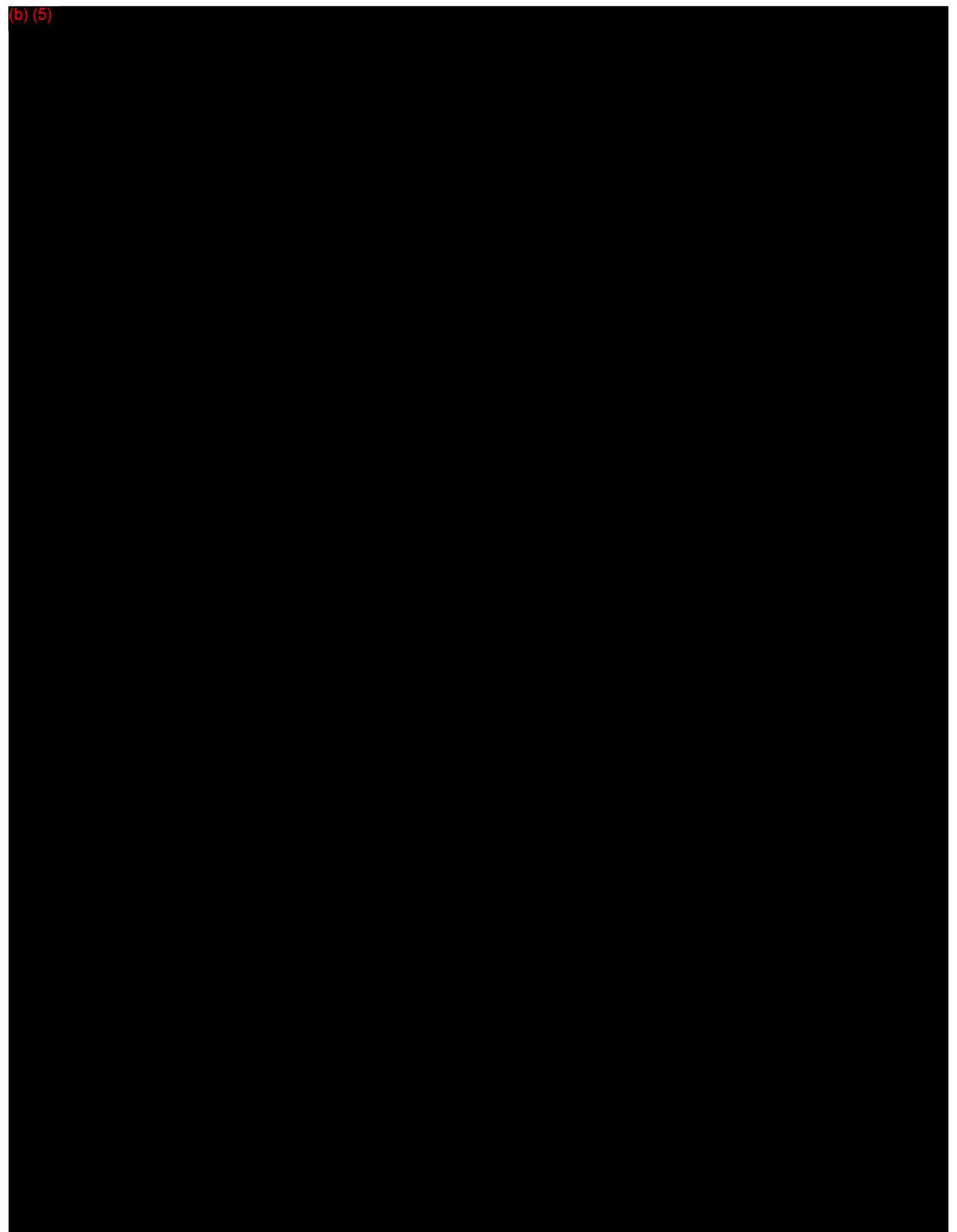


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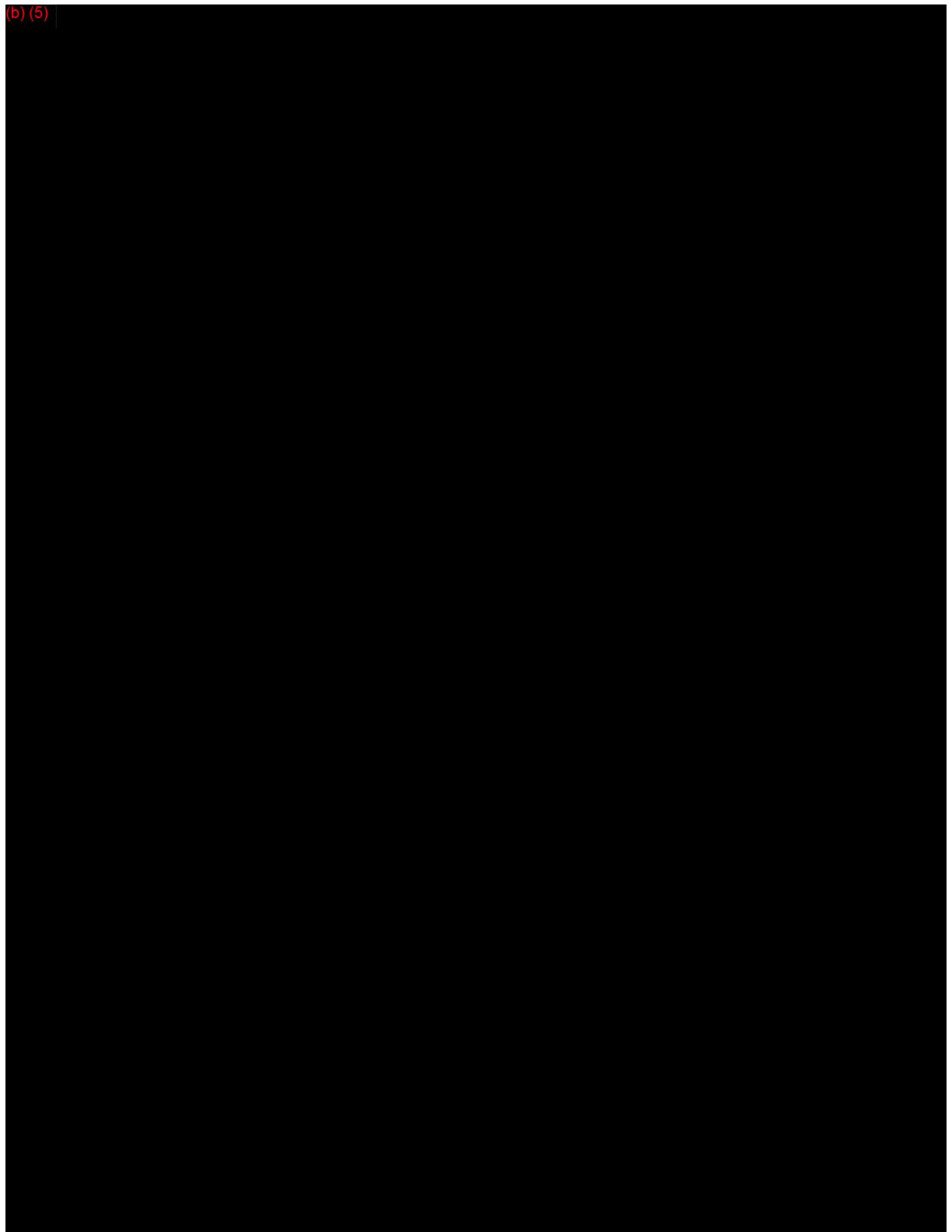


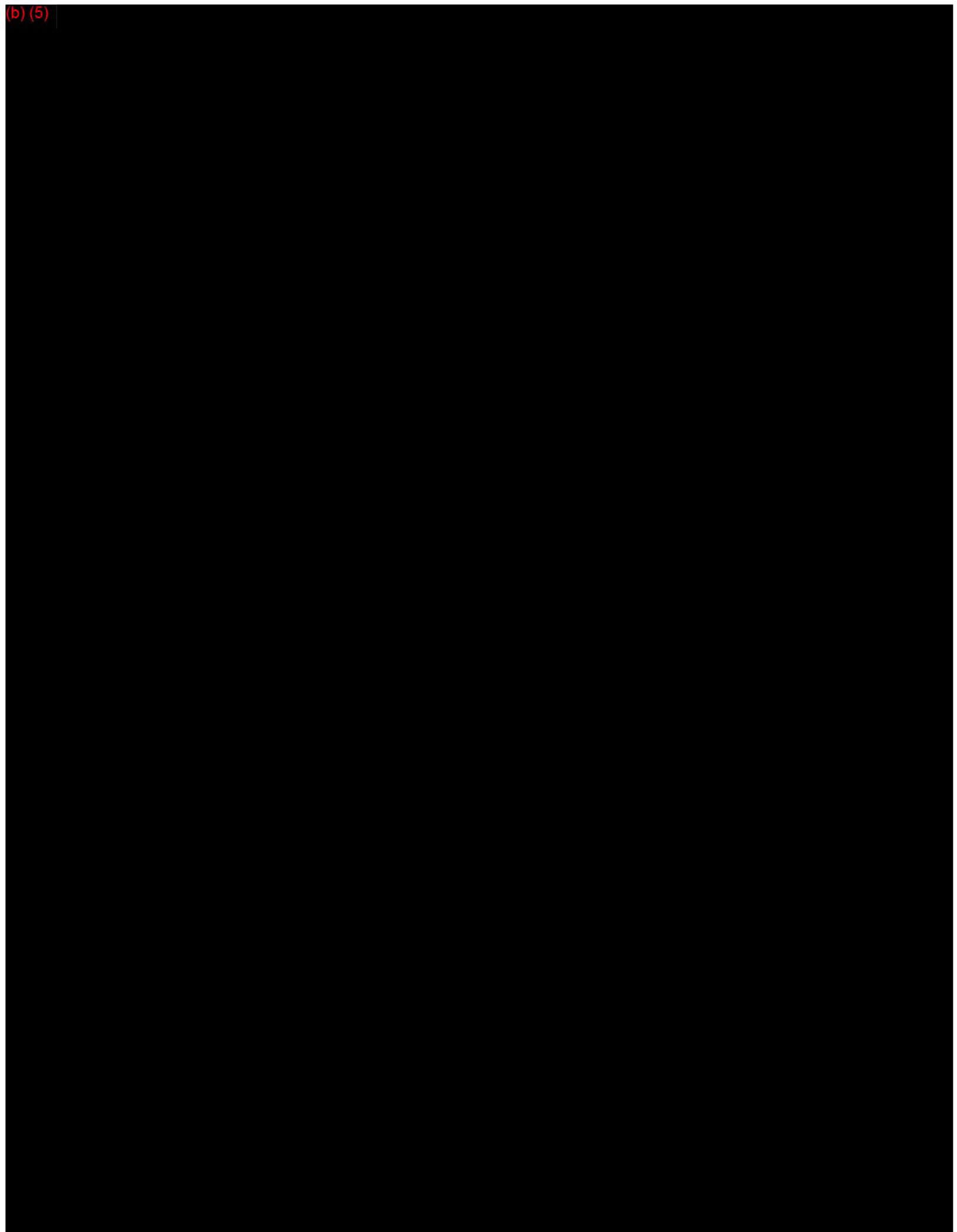


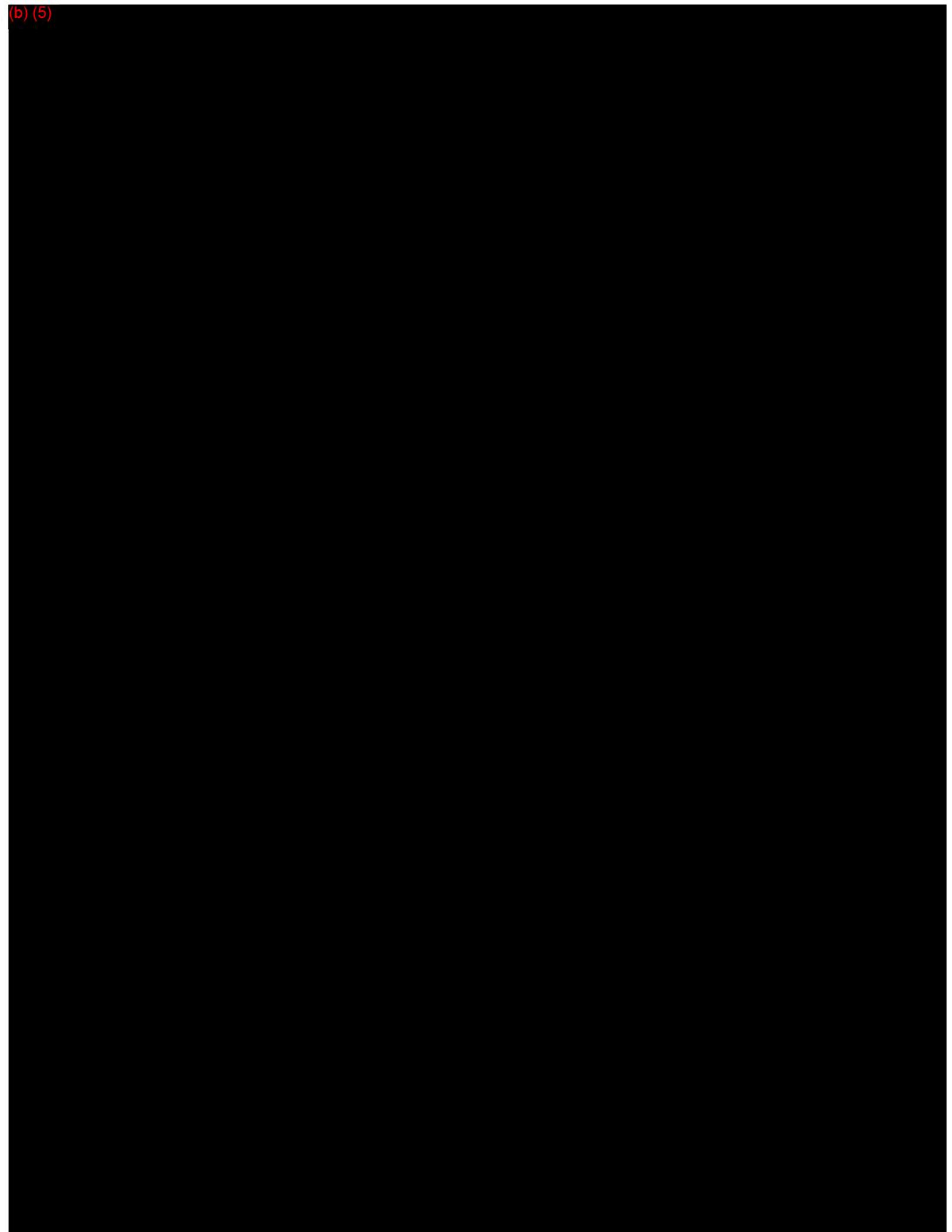


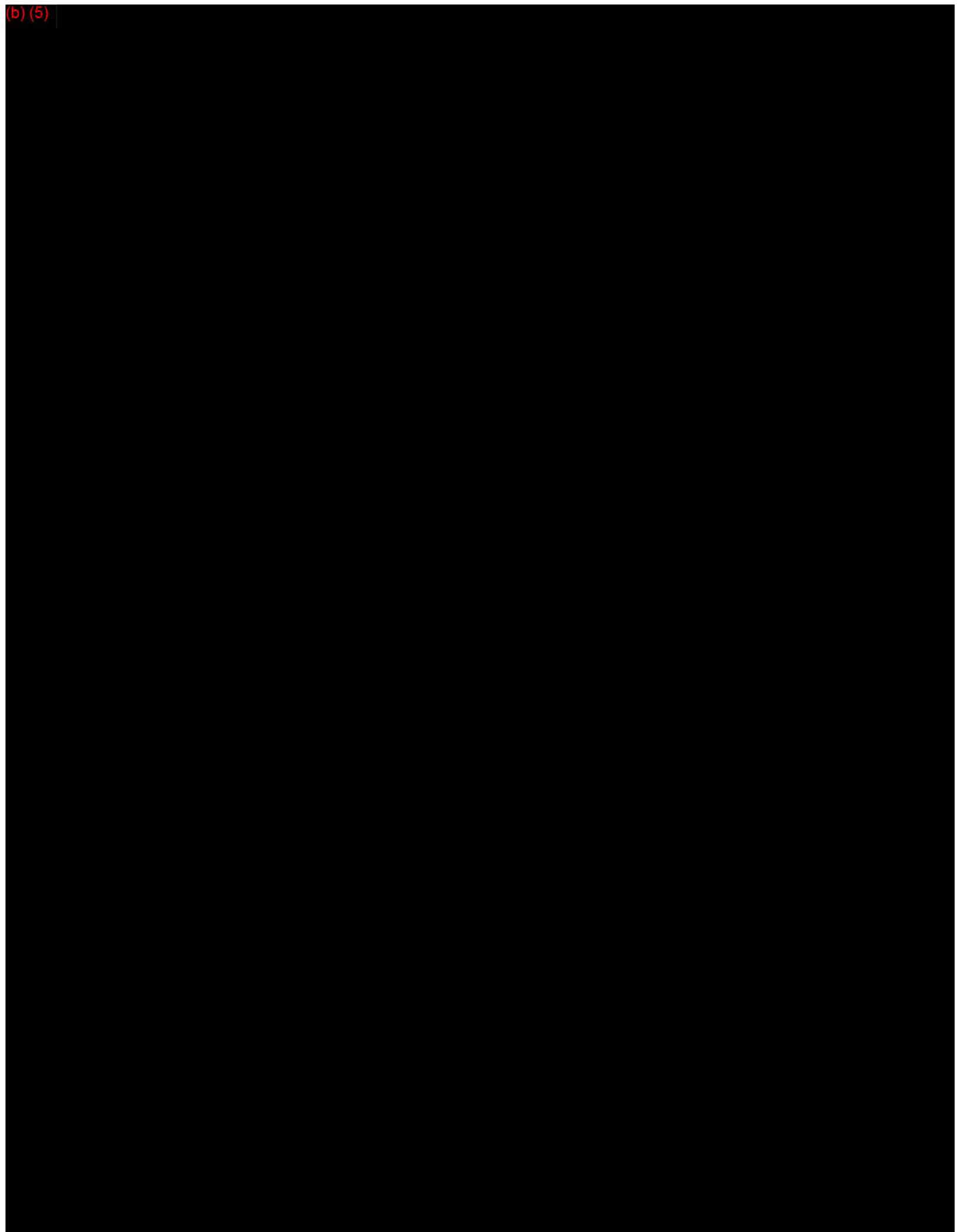


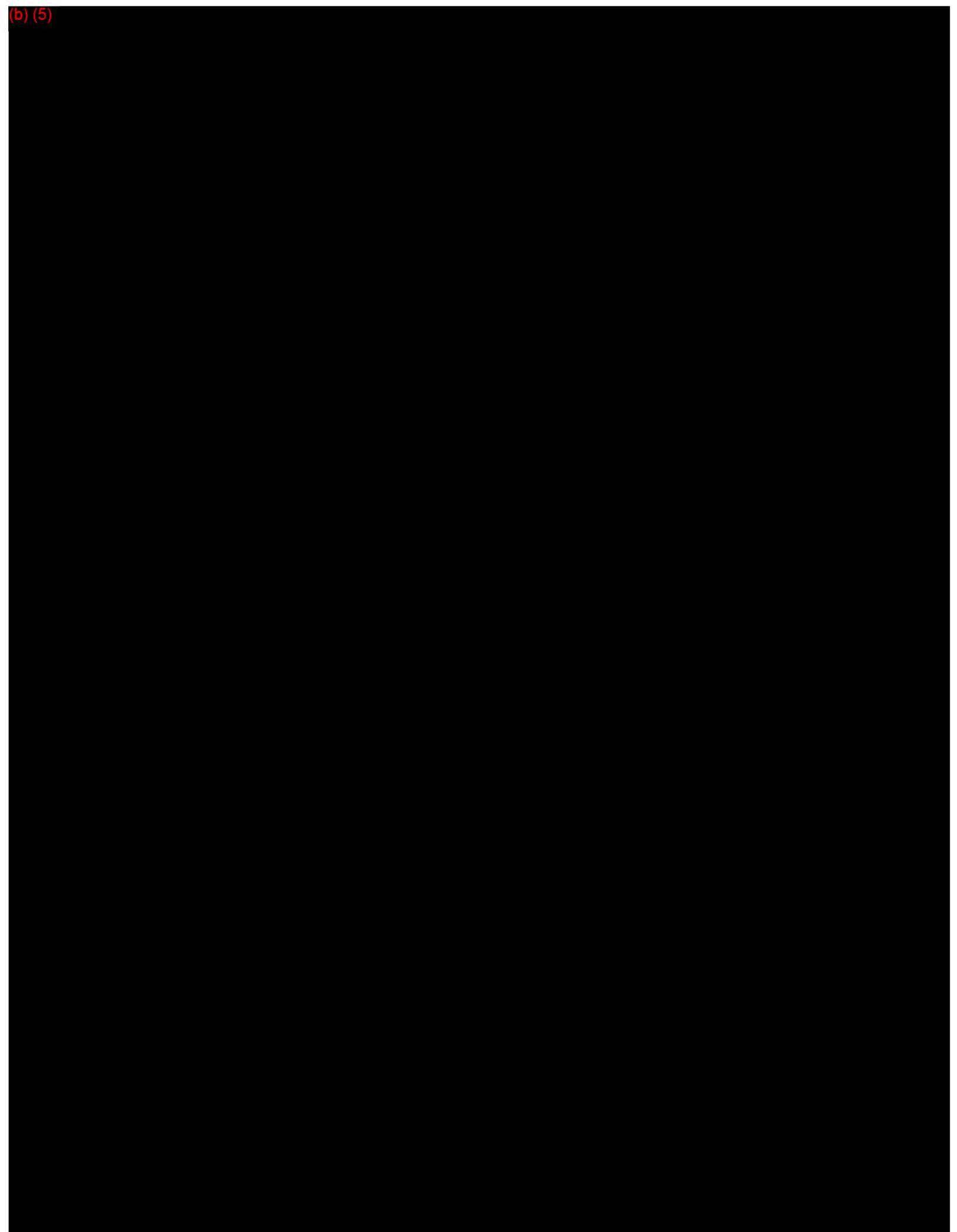
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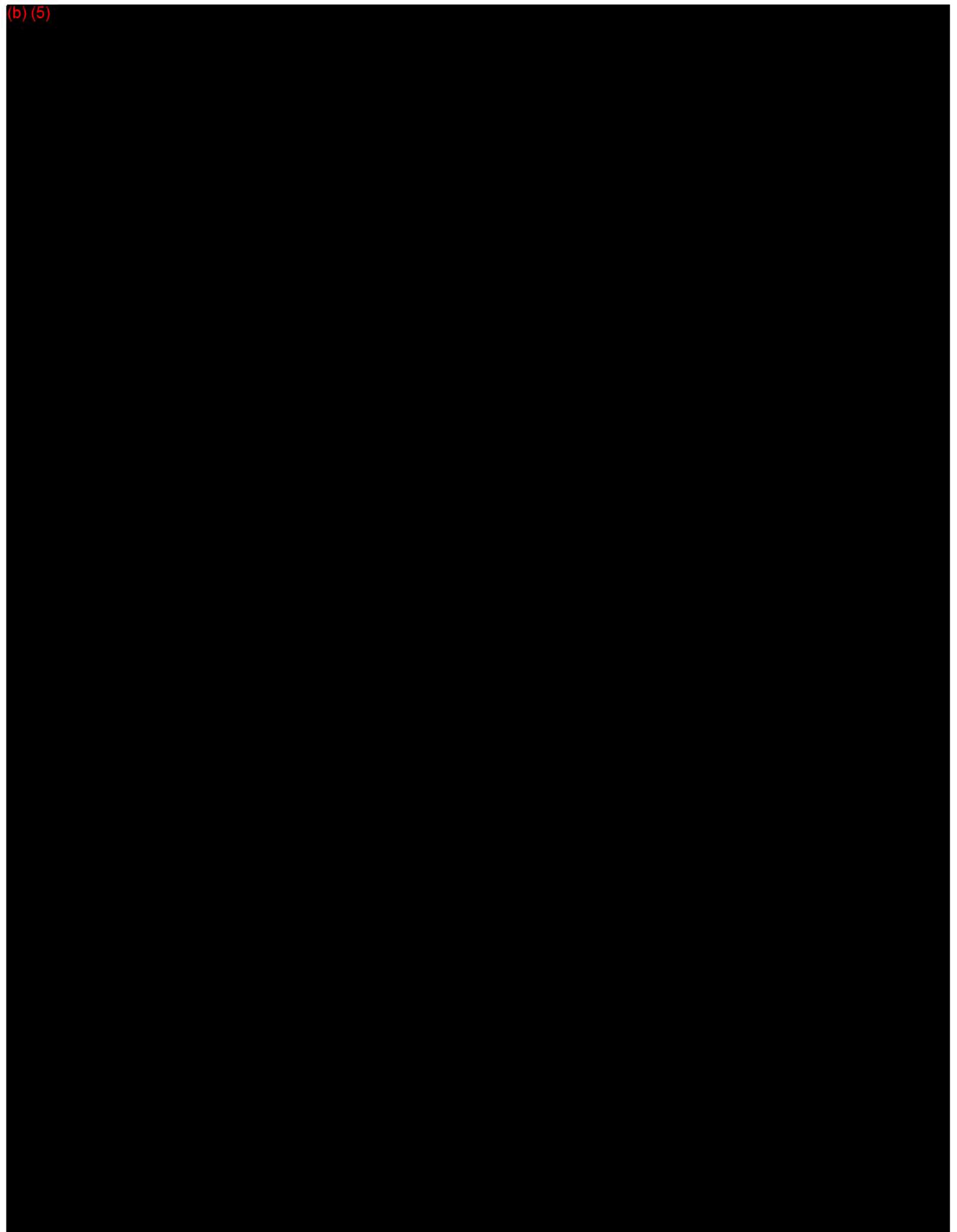


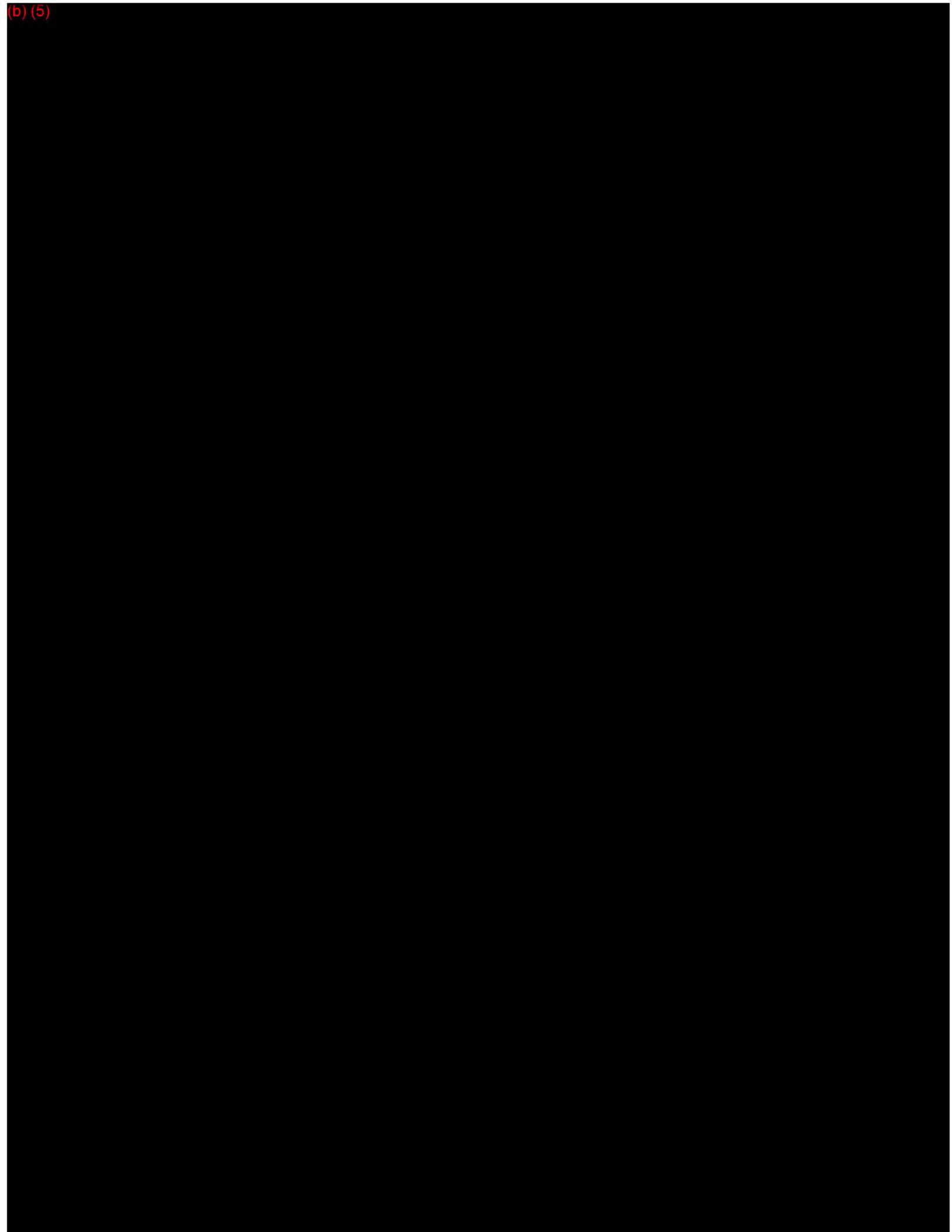


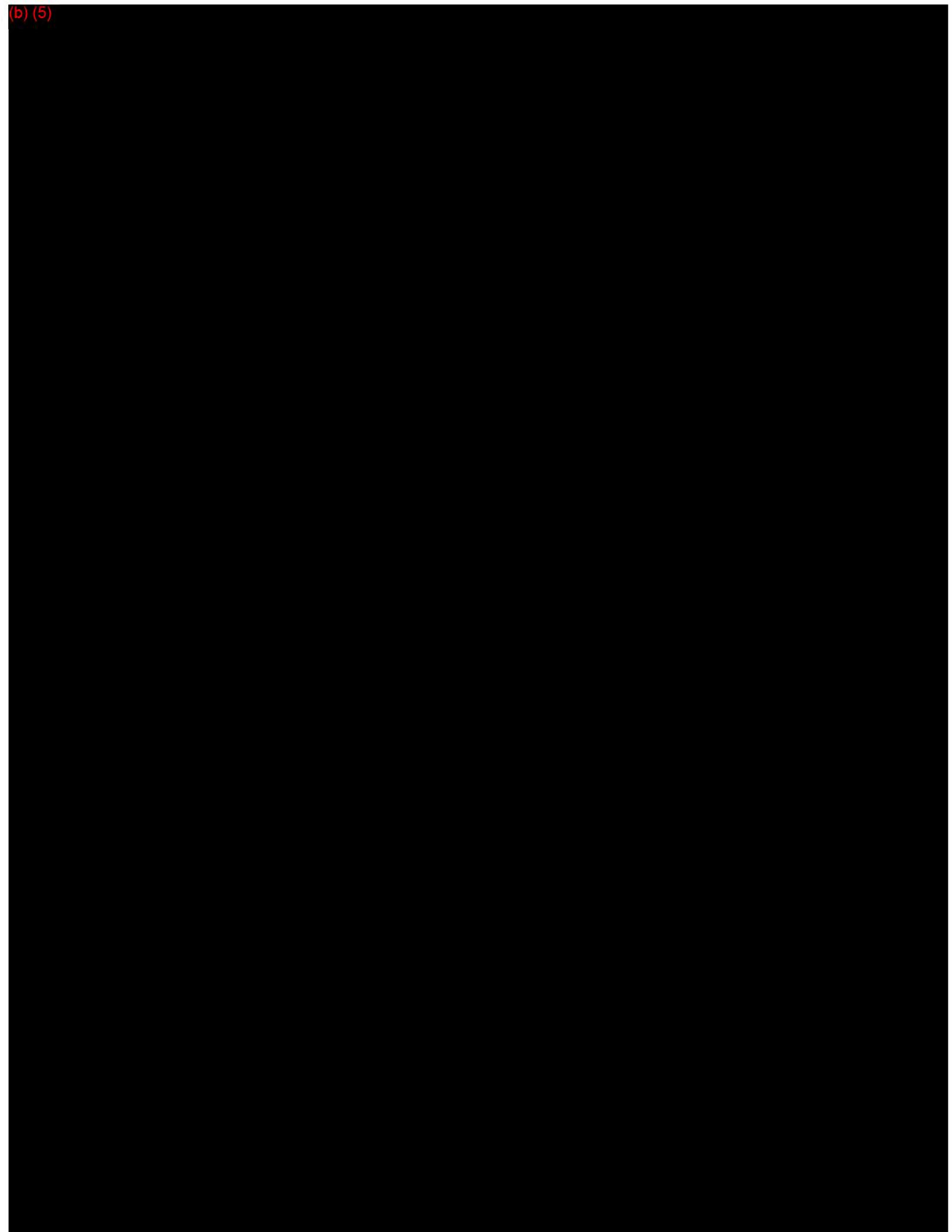




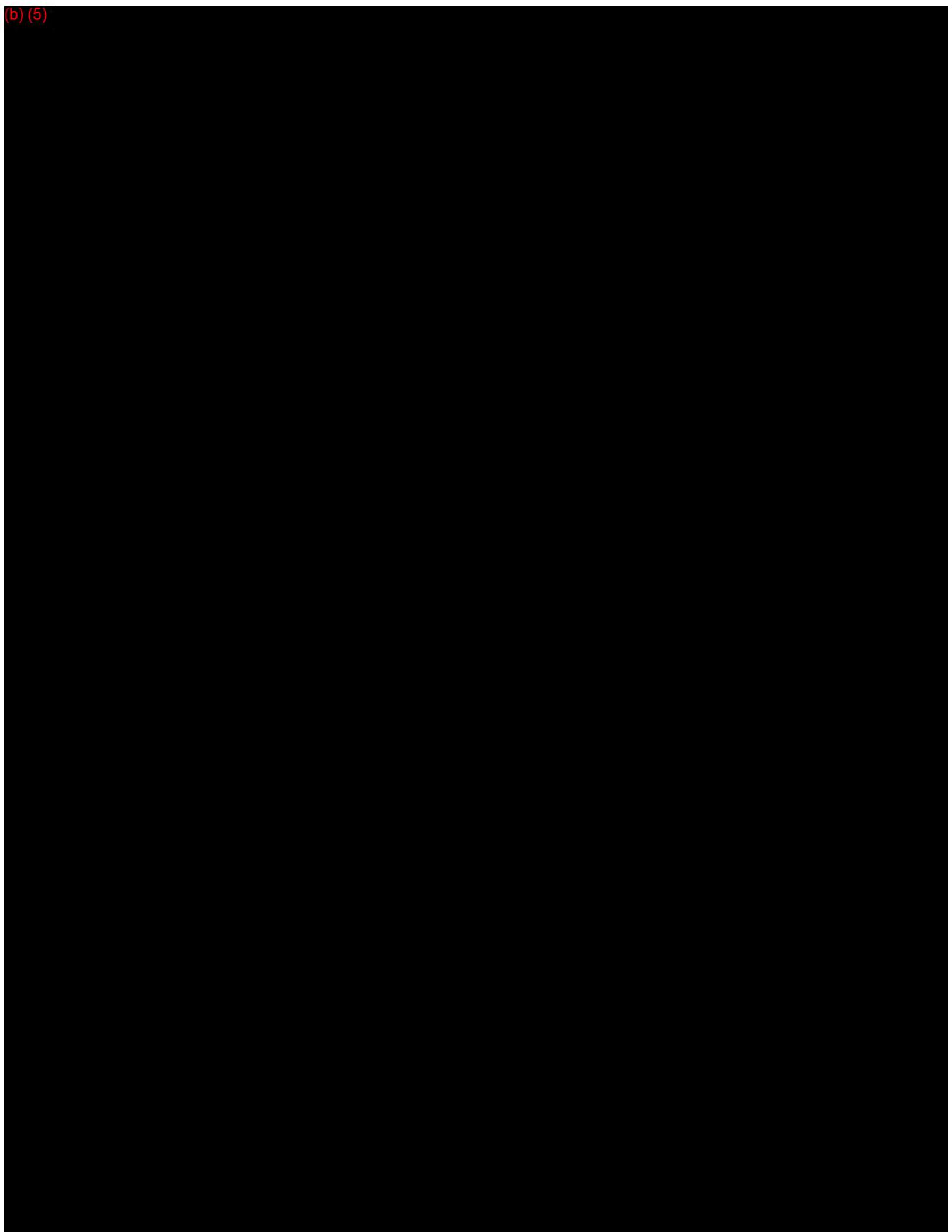


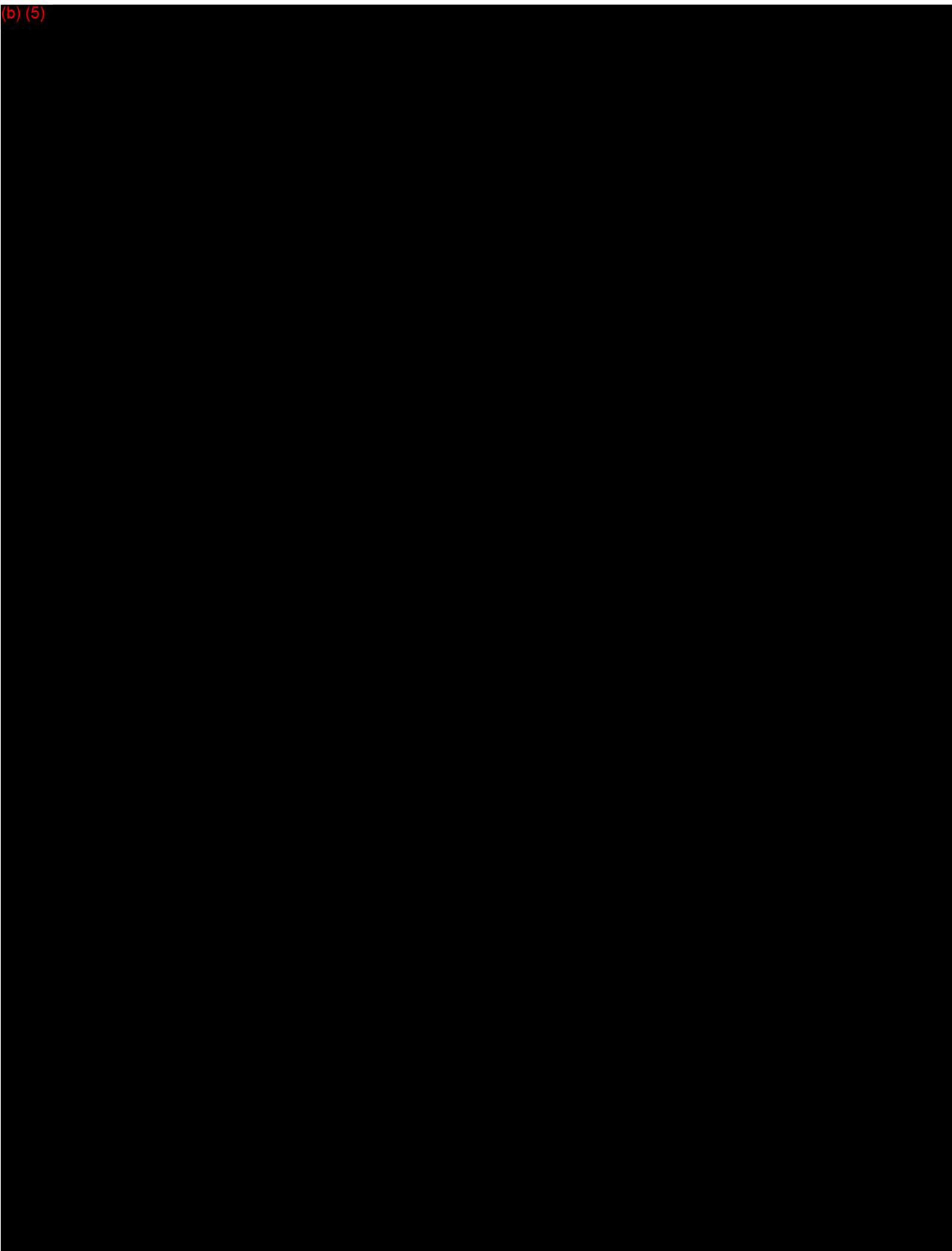


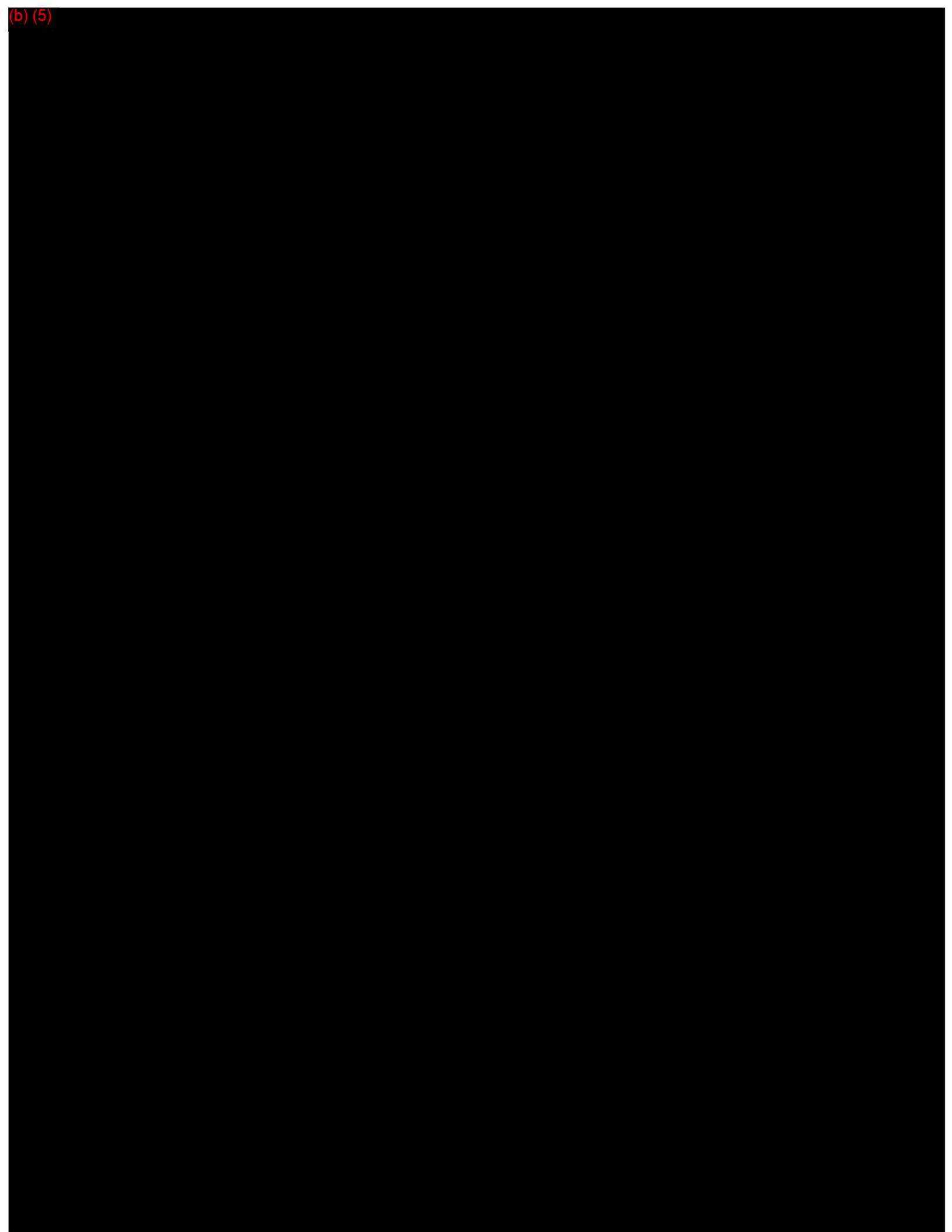




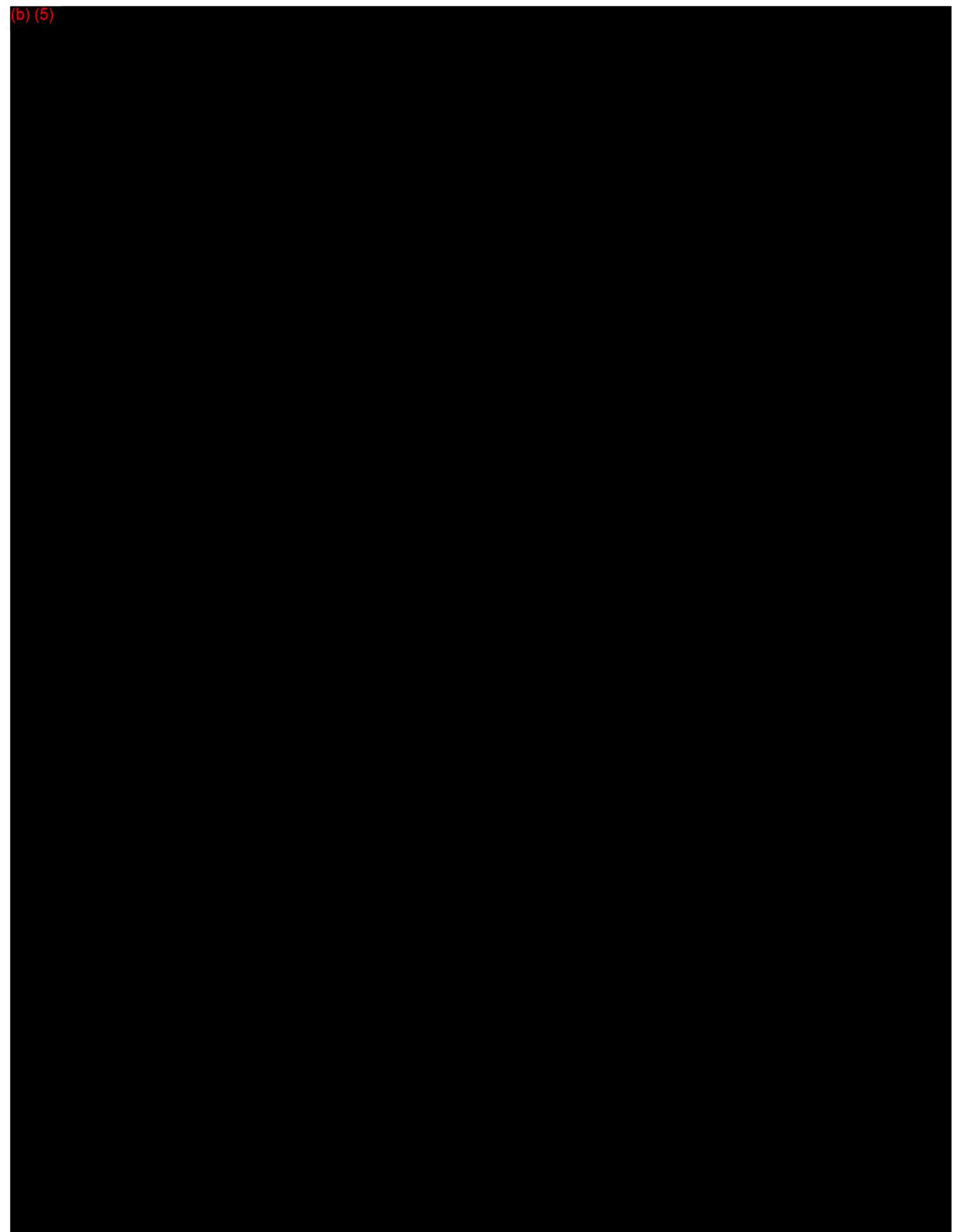
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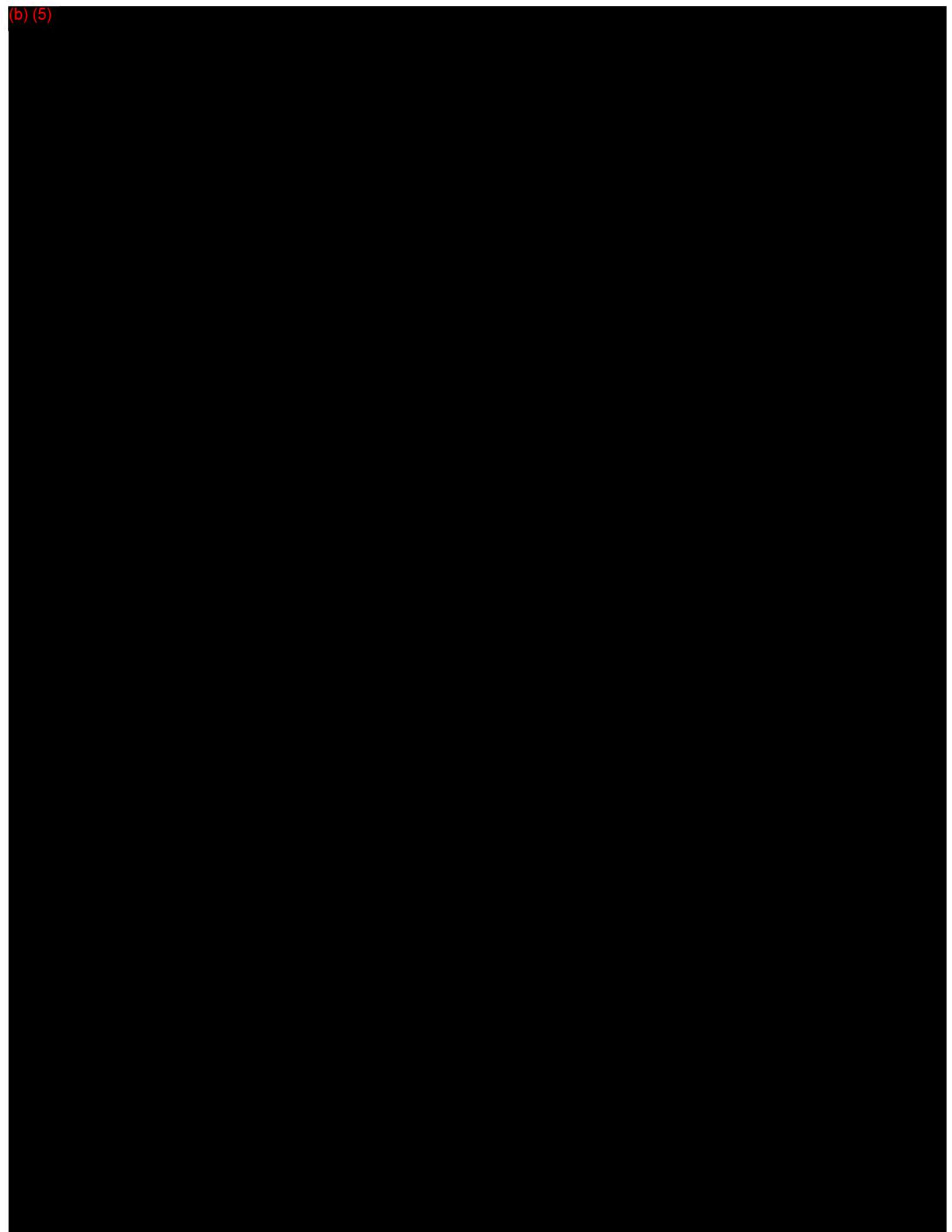


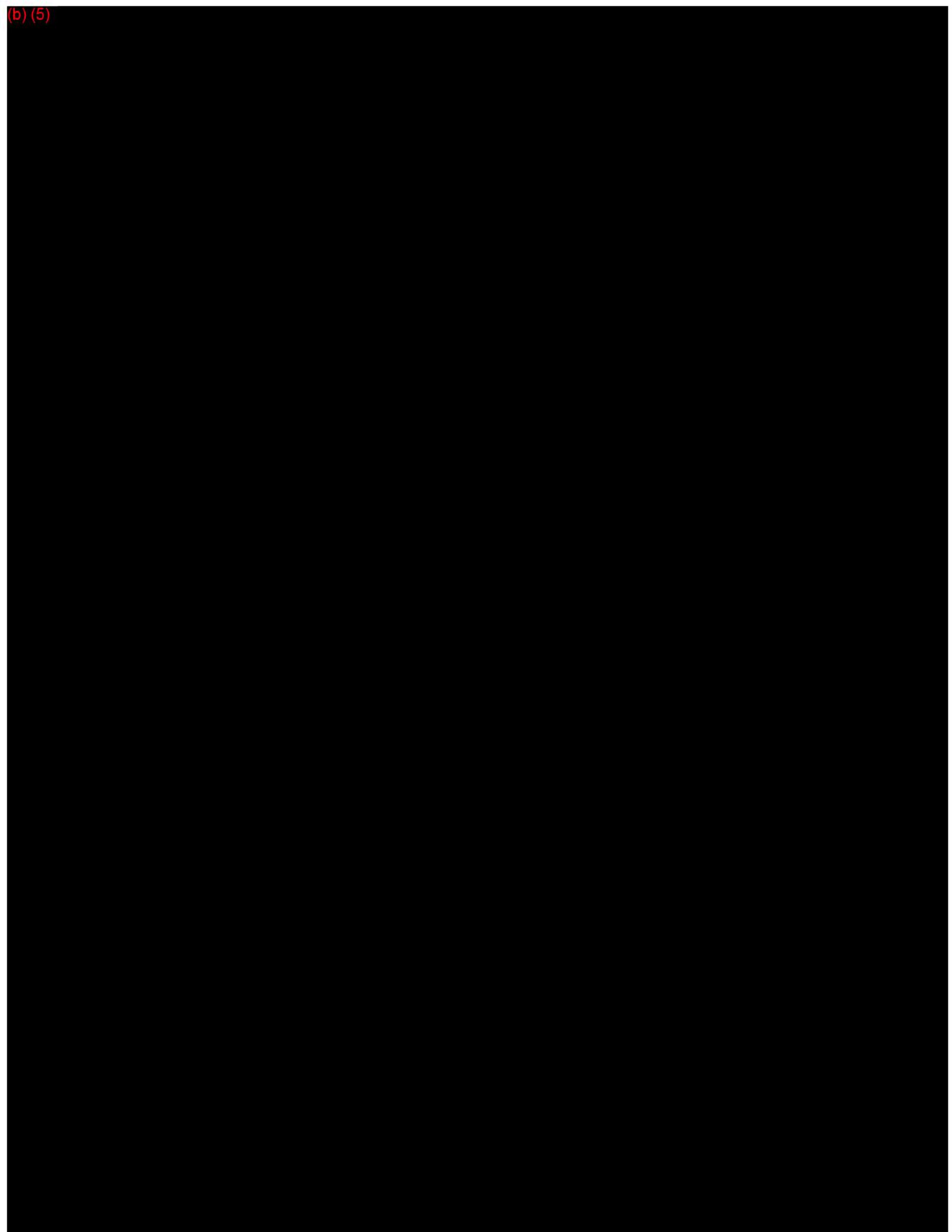


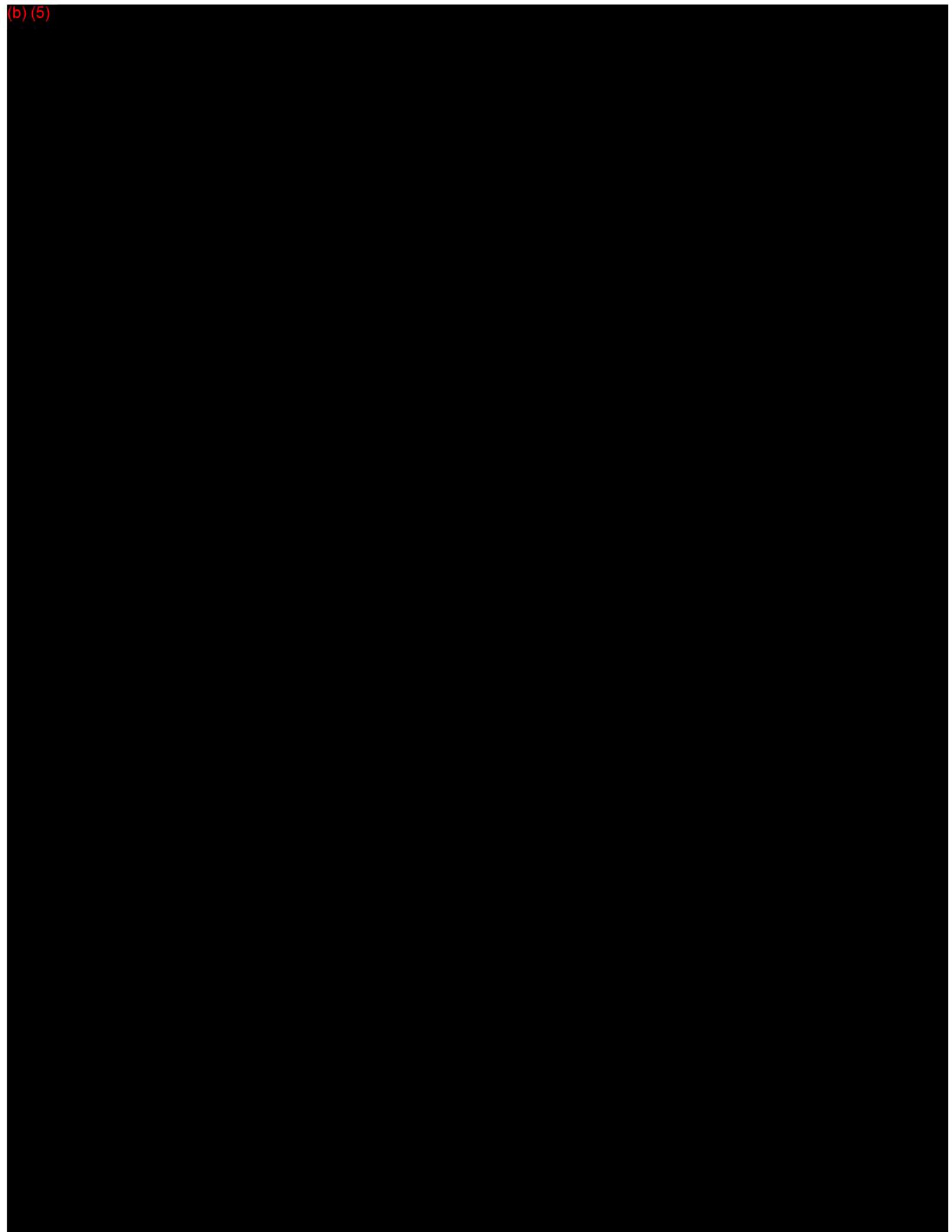


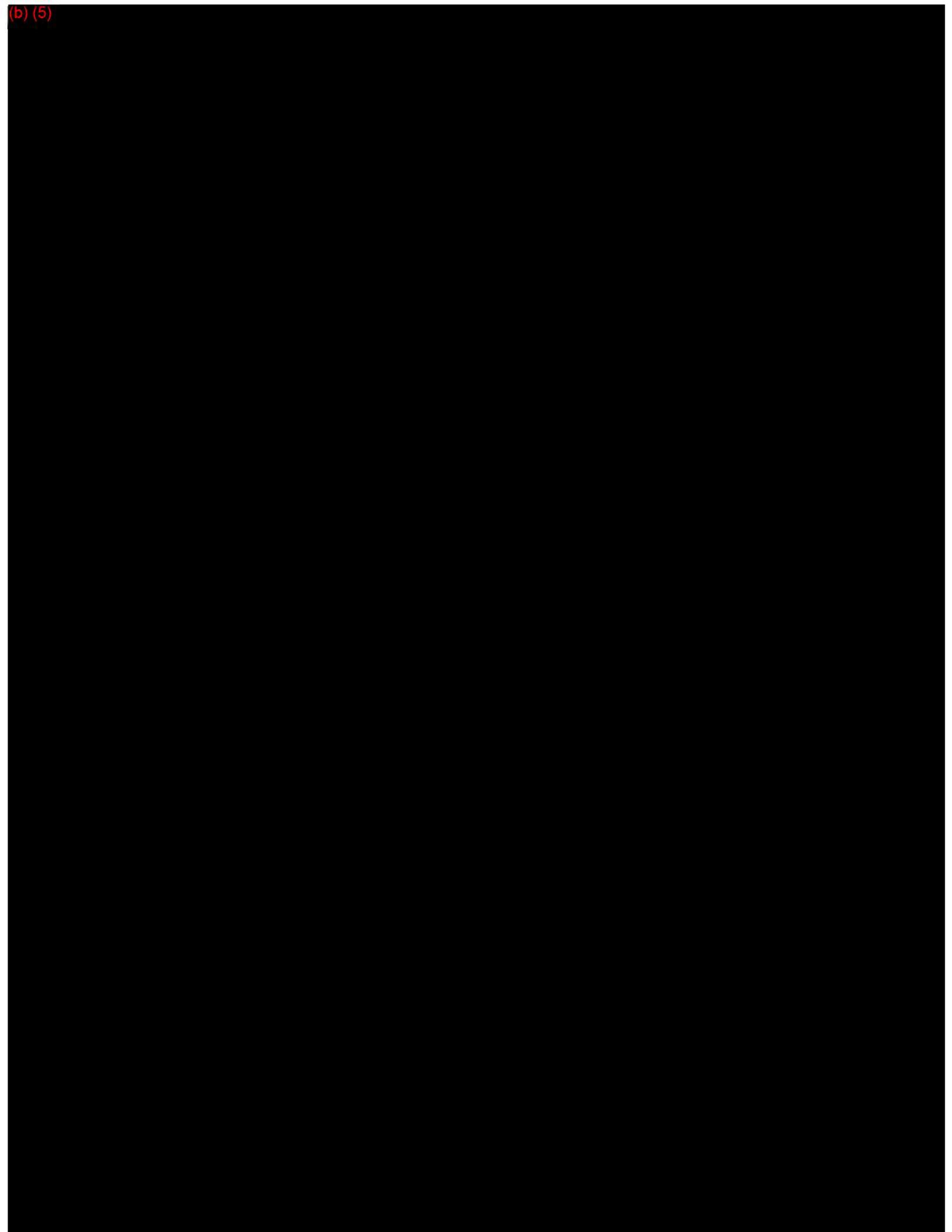
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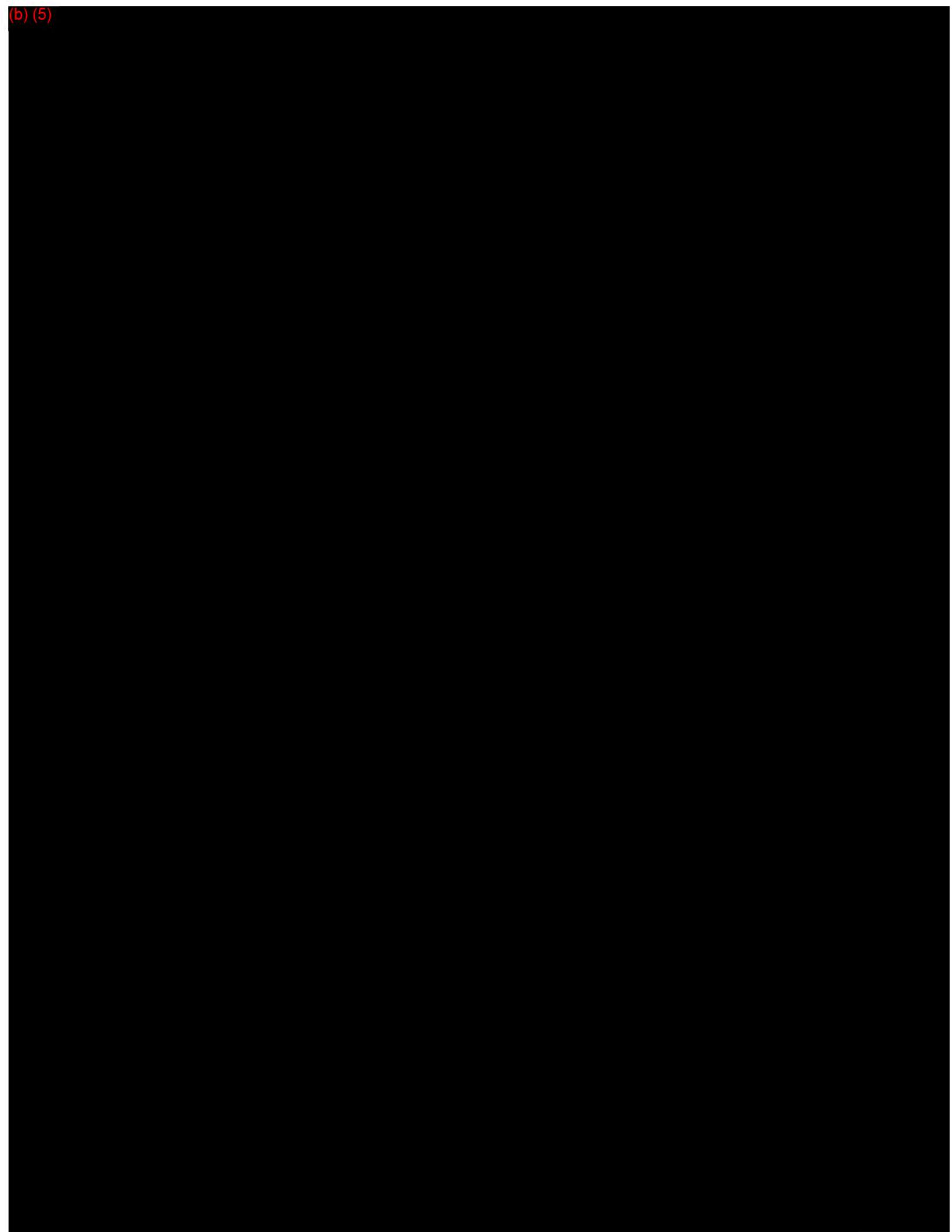




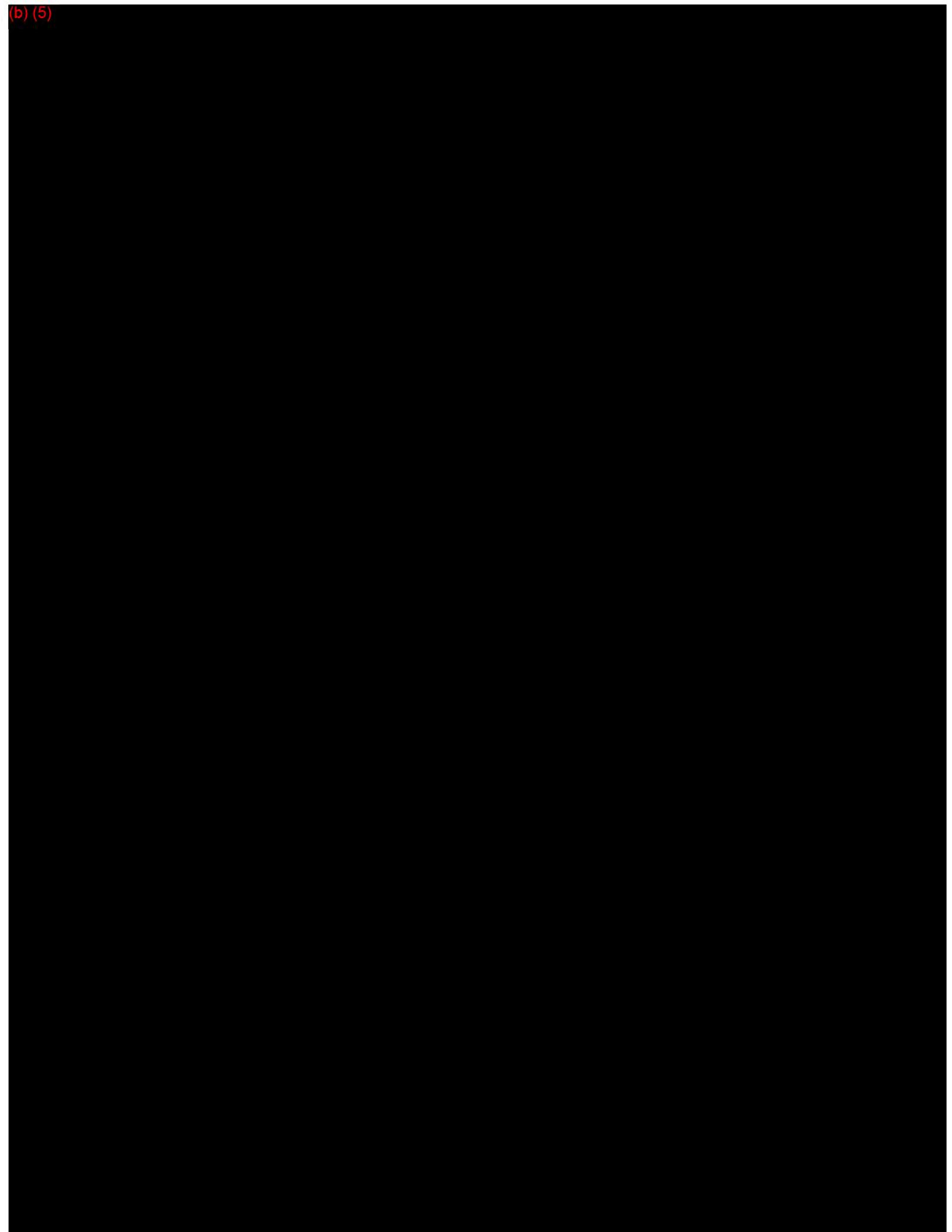




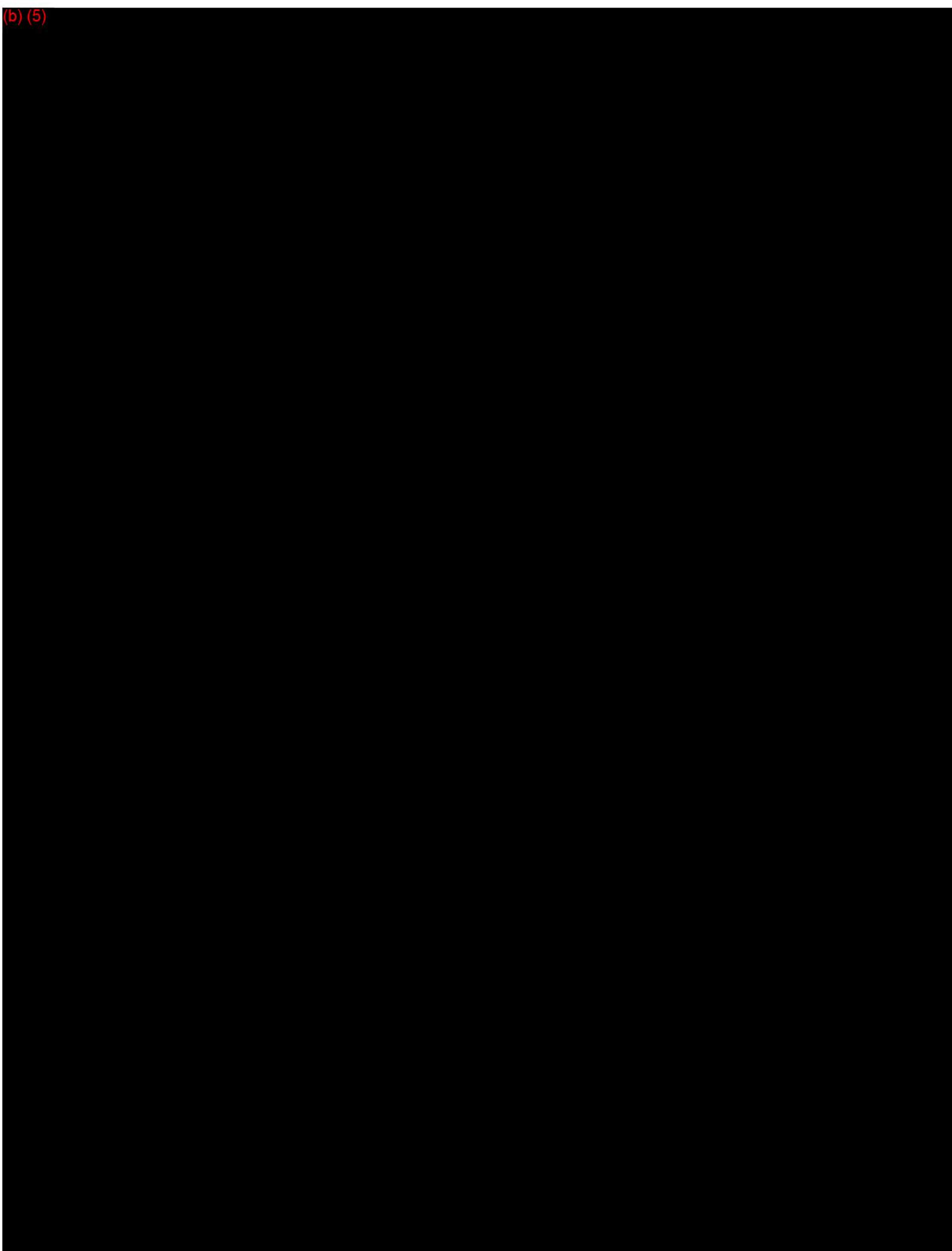


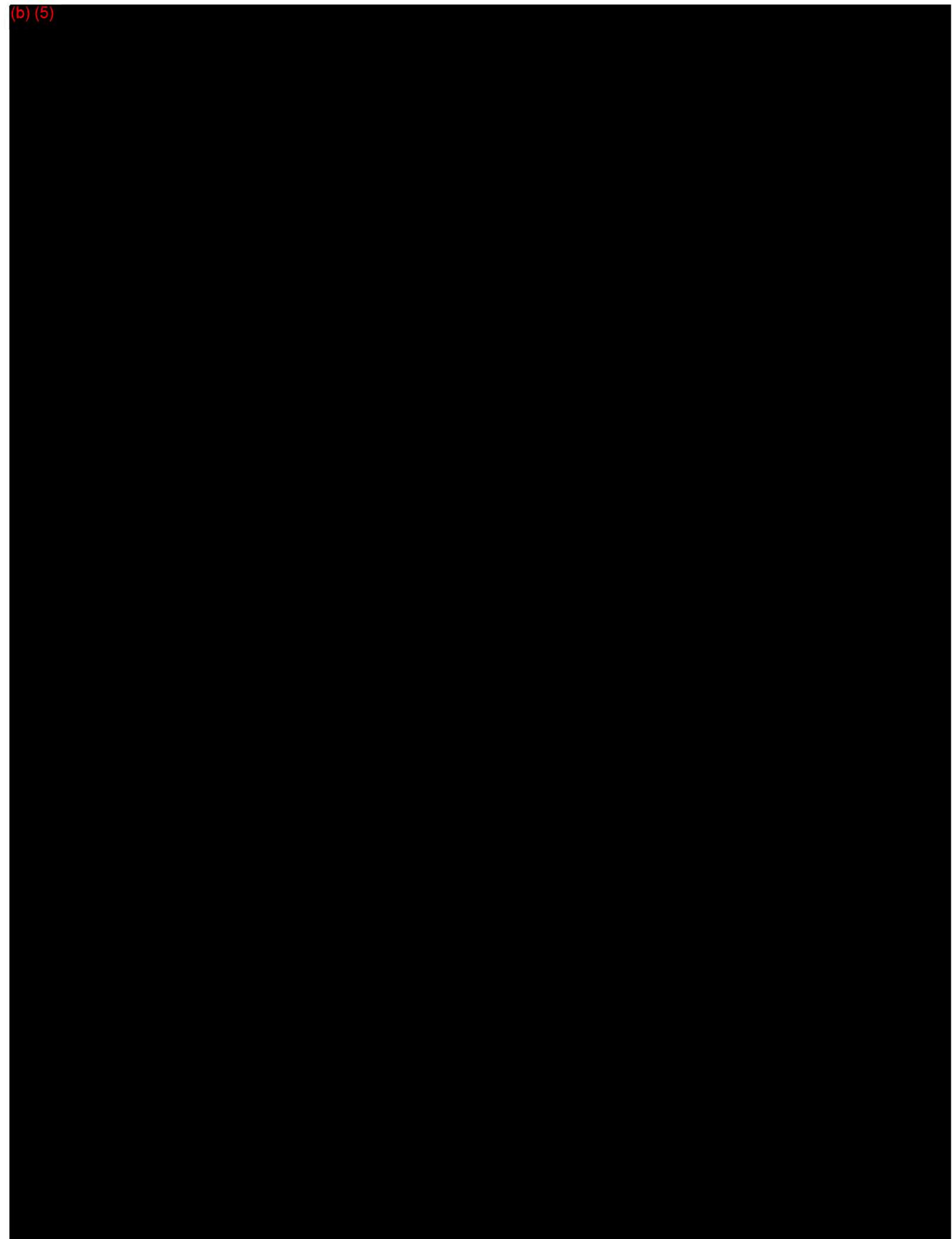


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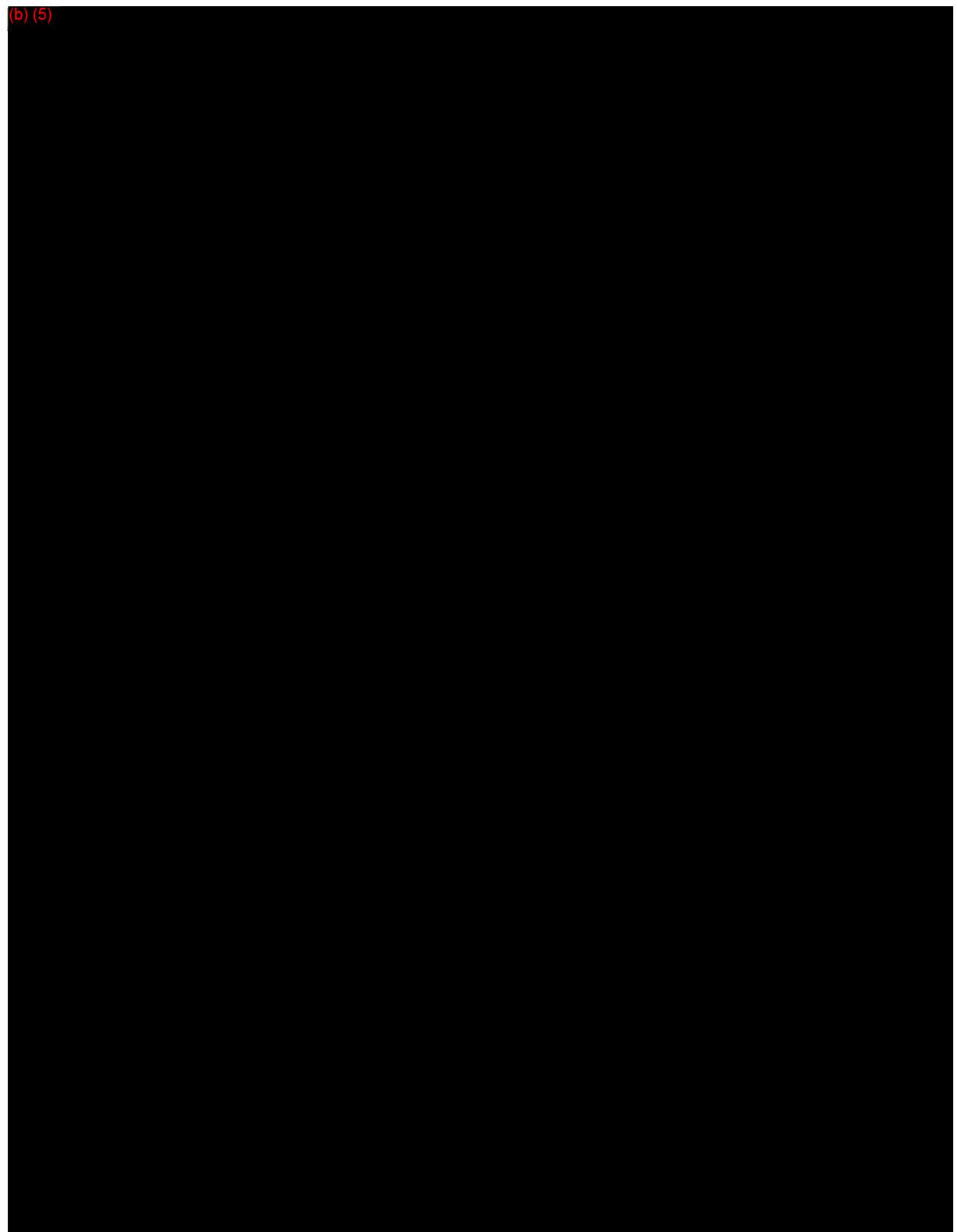


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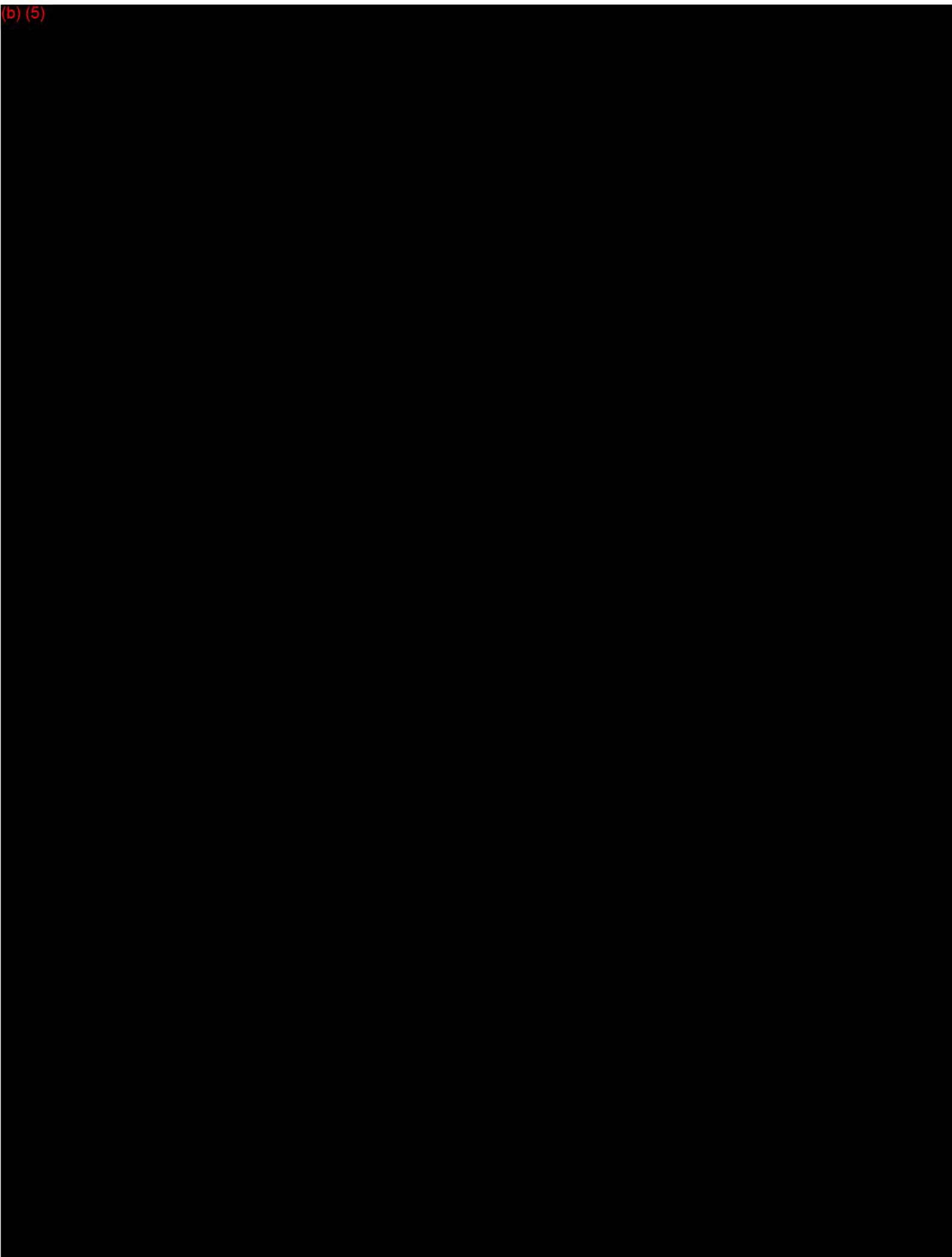


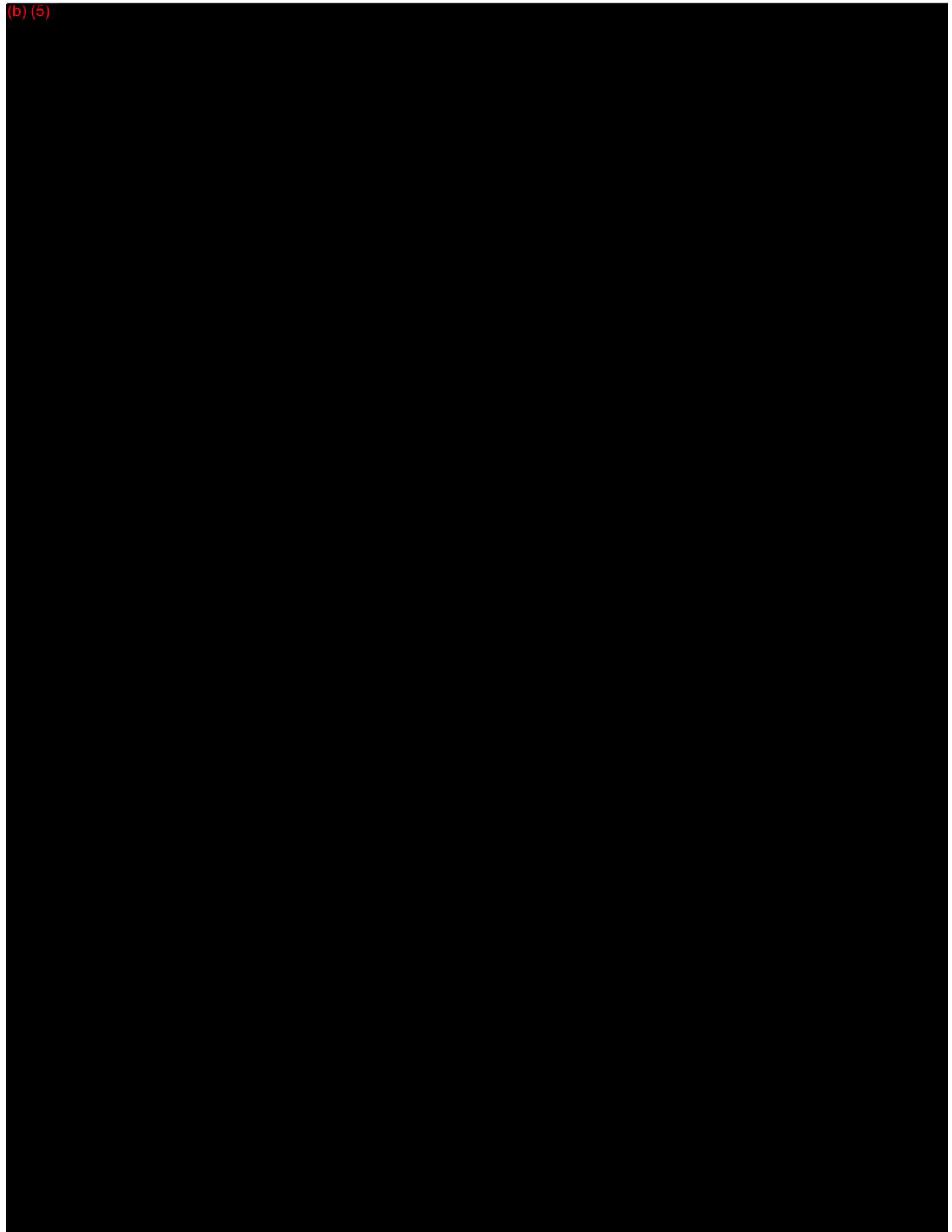


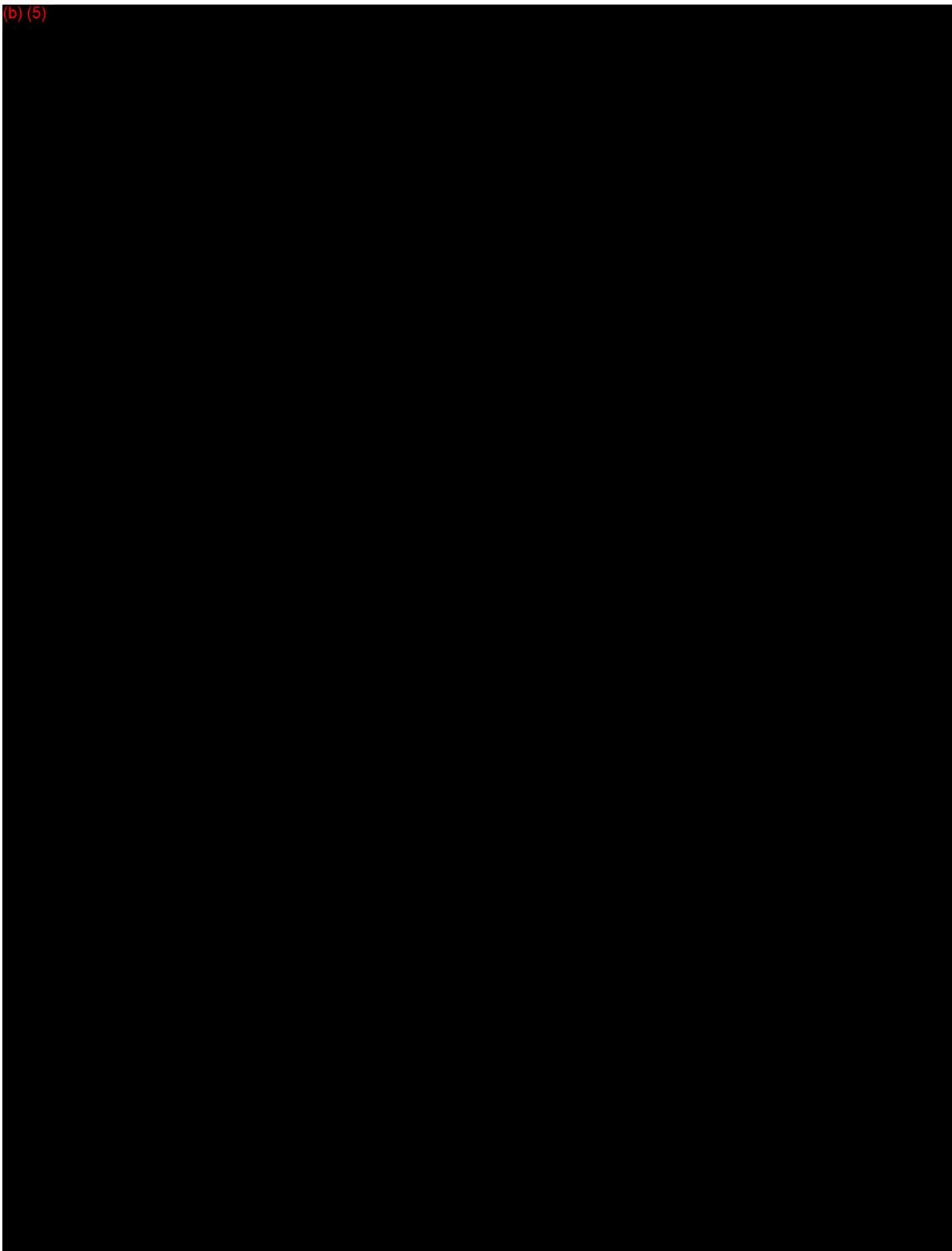


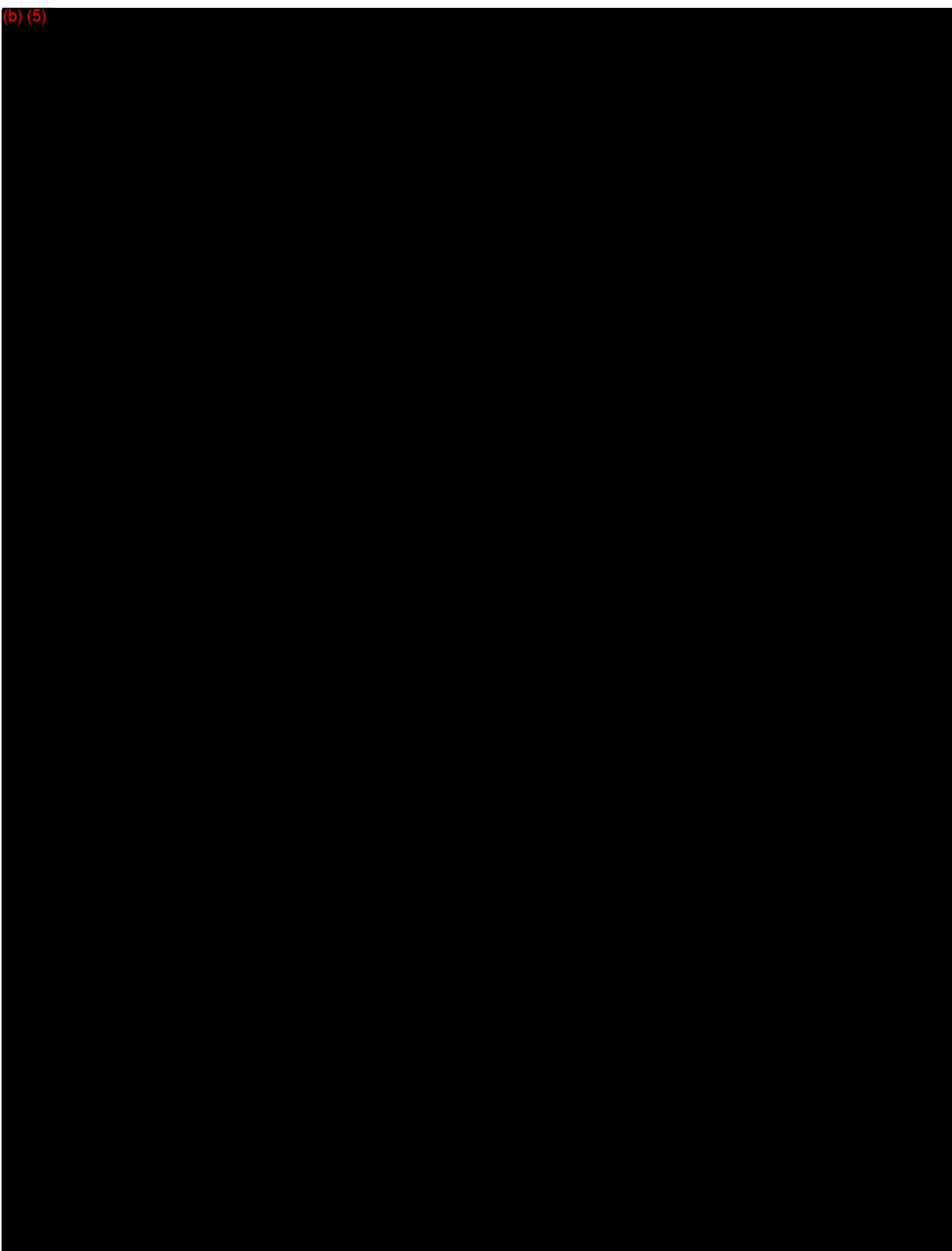


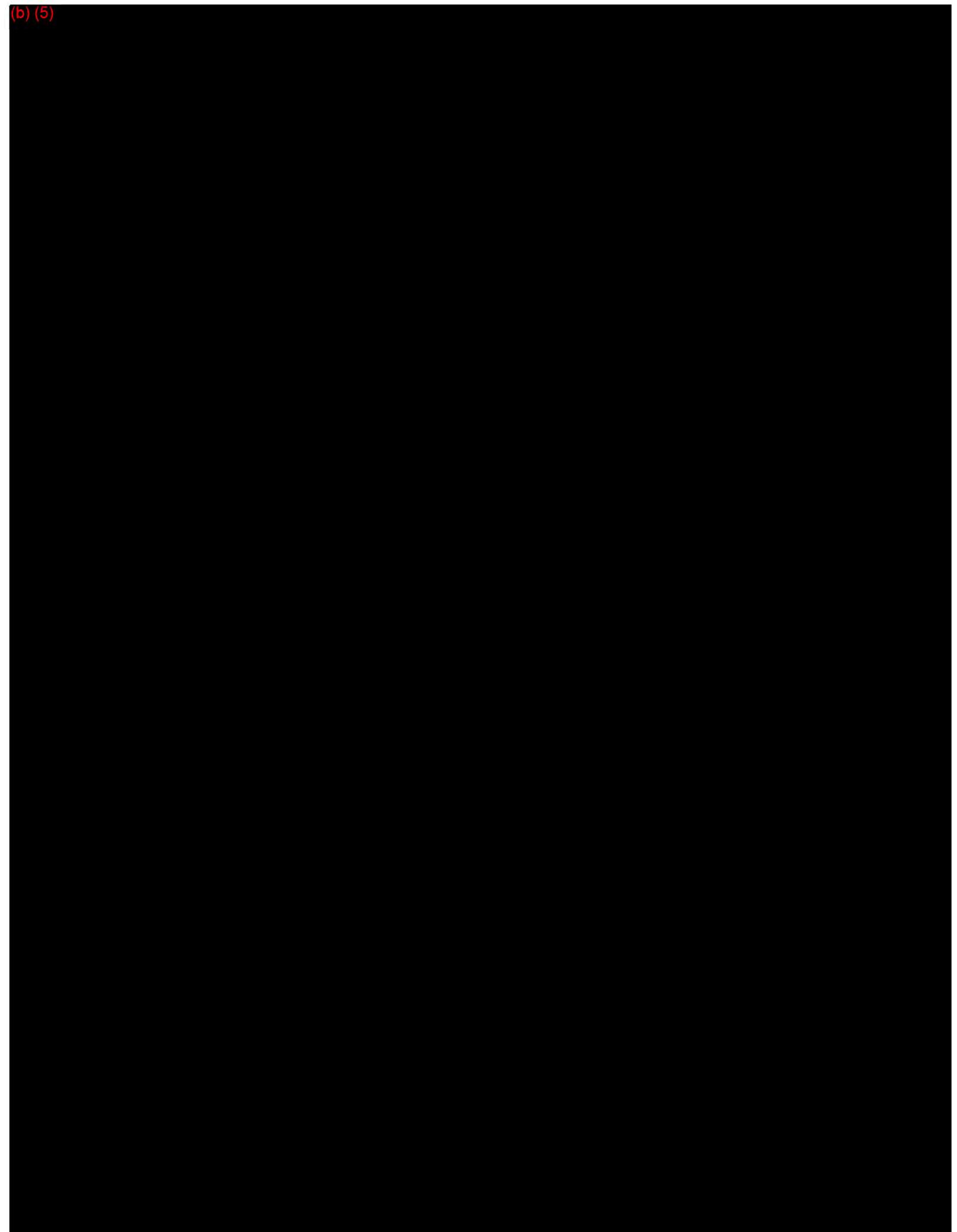
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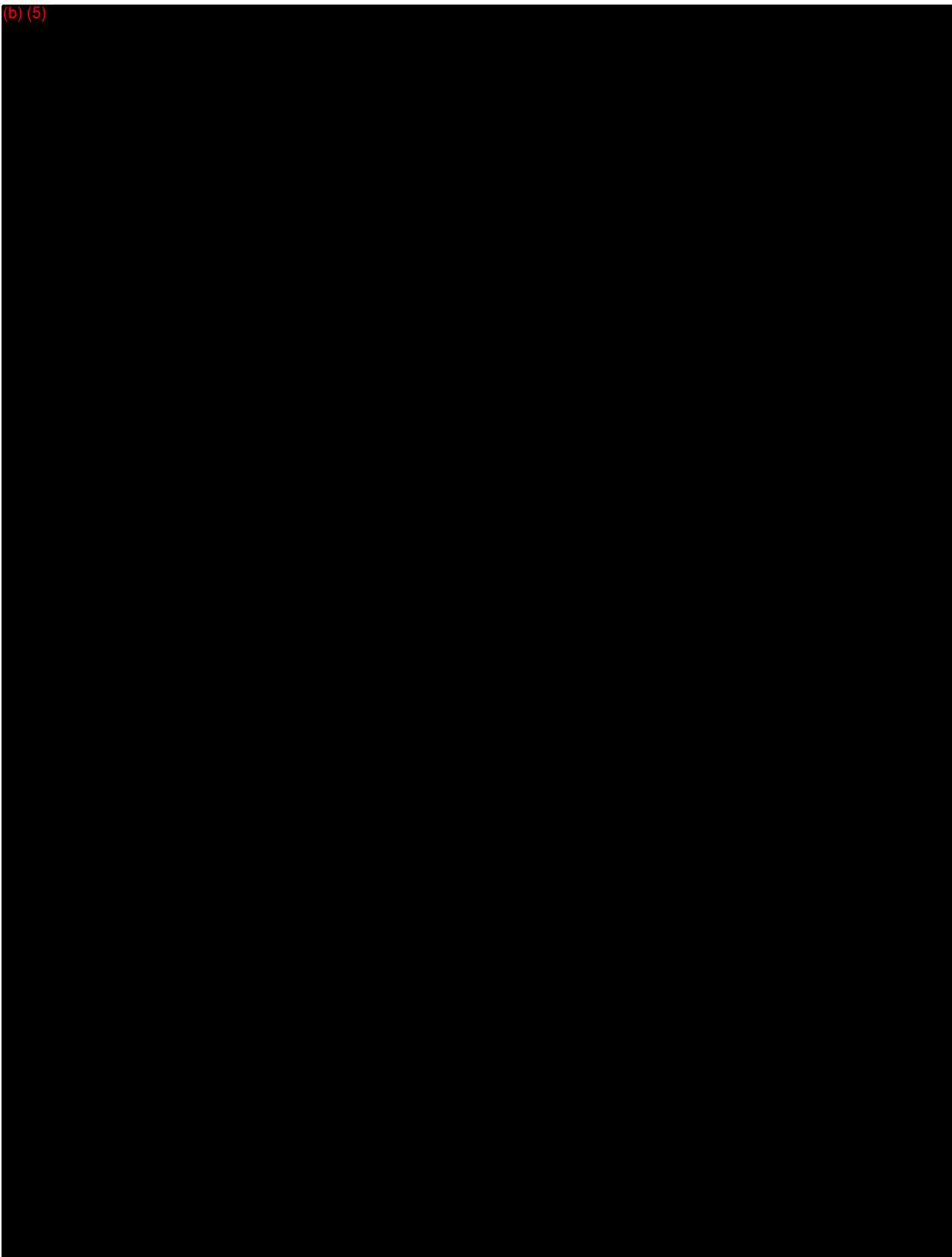
## Draft QFR Responses

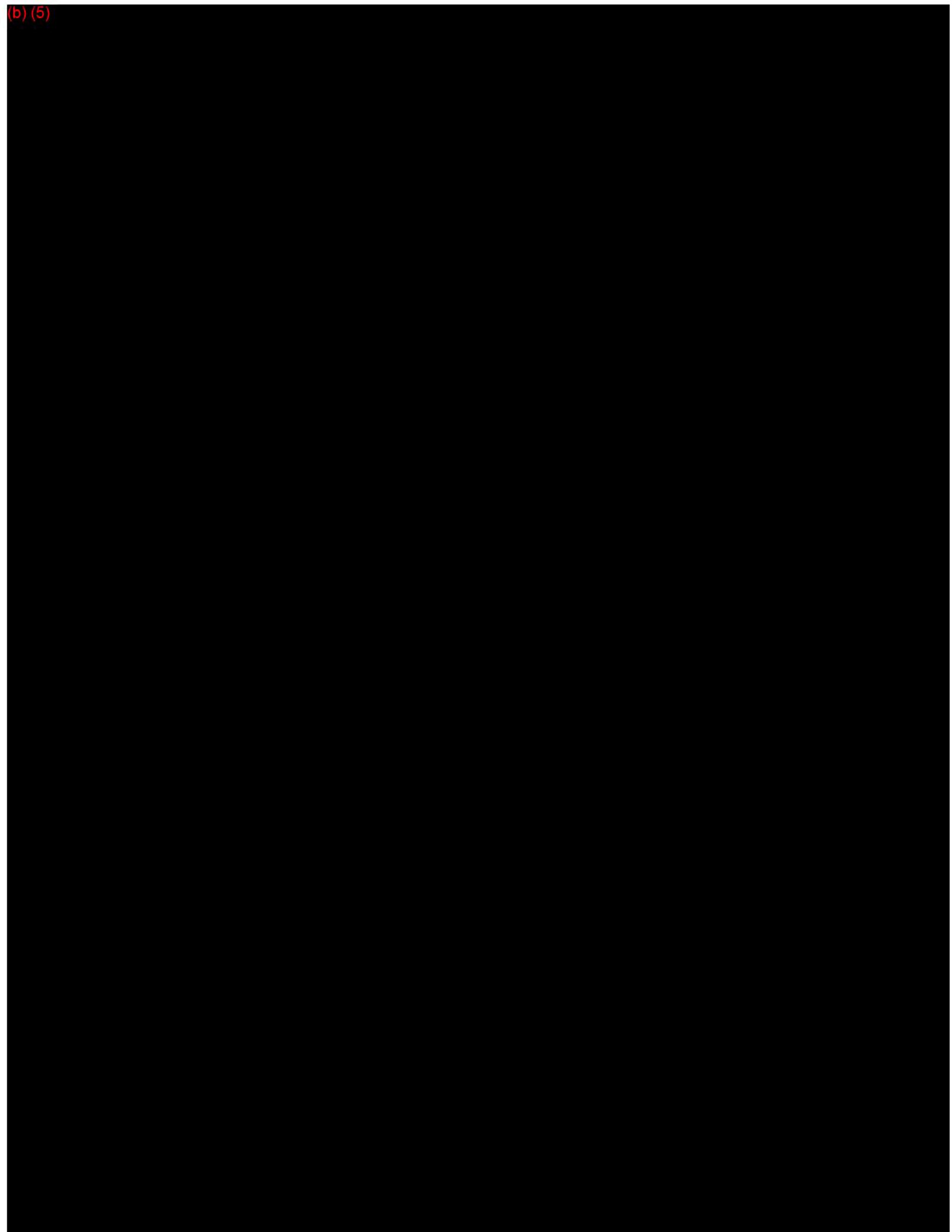
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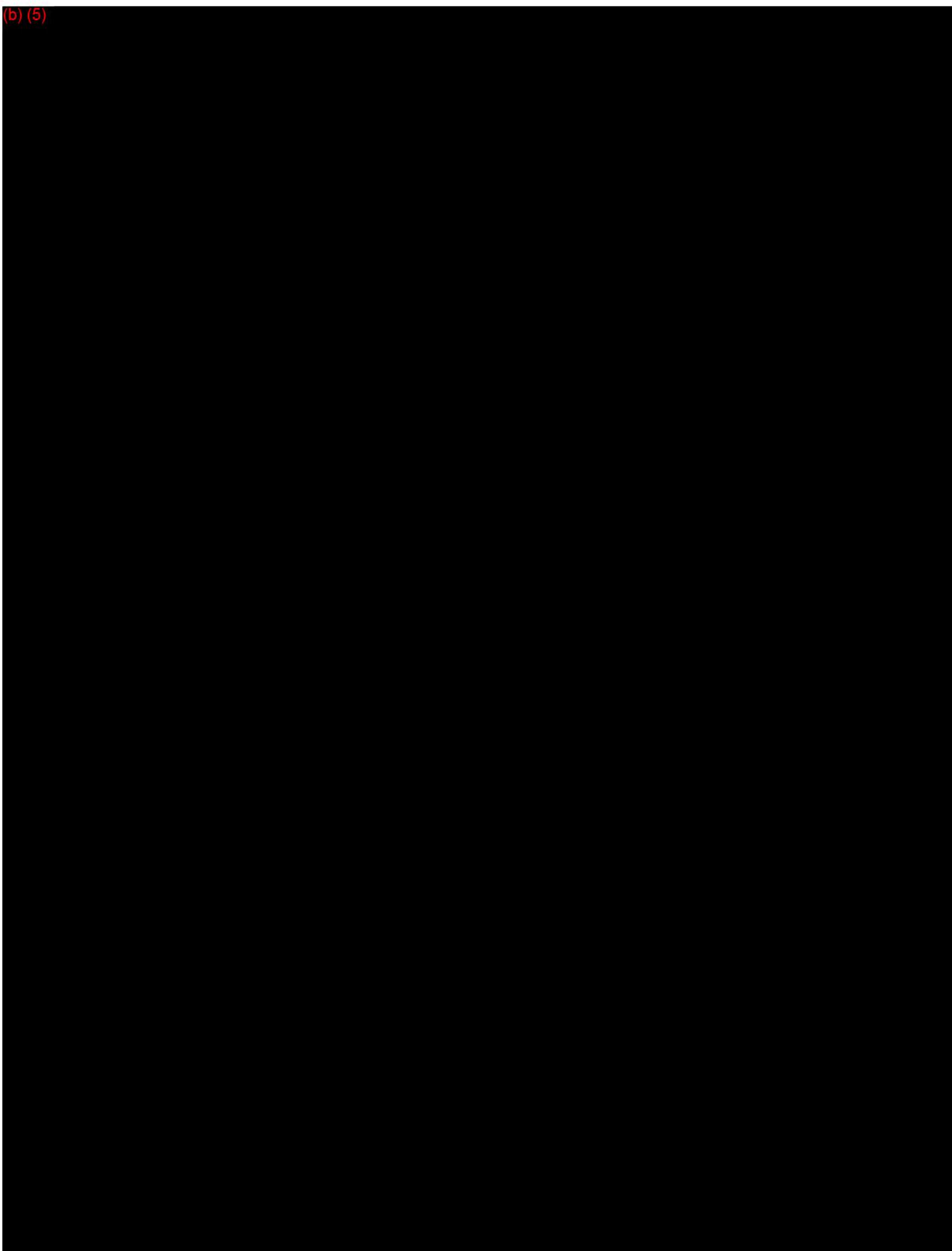
**From:** "Neumayr, Mary B. EOP/CEQ" <(b) (6)>  
**To:** "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 25 Jul 2018 12:47:34 -0400  
**Attachments:** All Neumayr QFRs 07.19.2018 DRAFT RESPONSES.docx (70.01 kB)

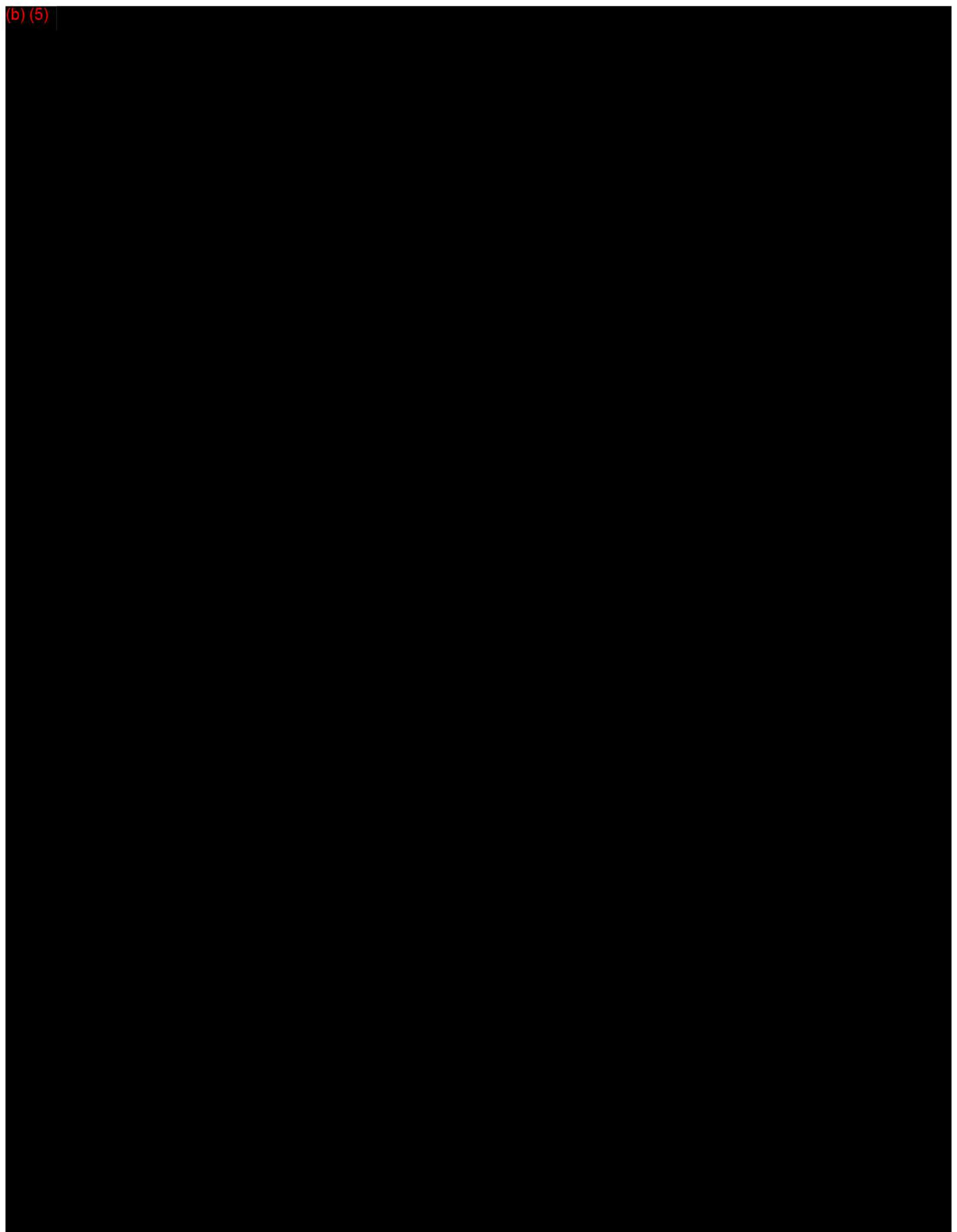
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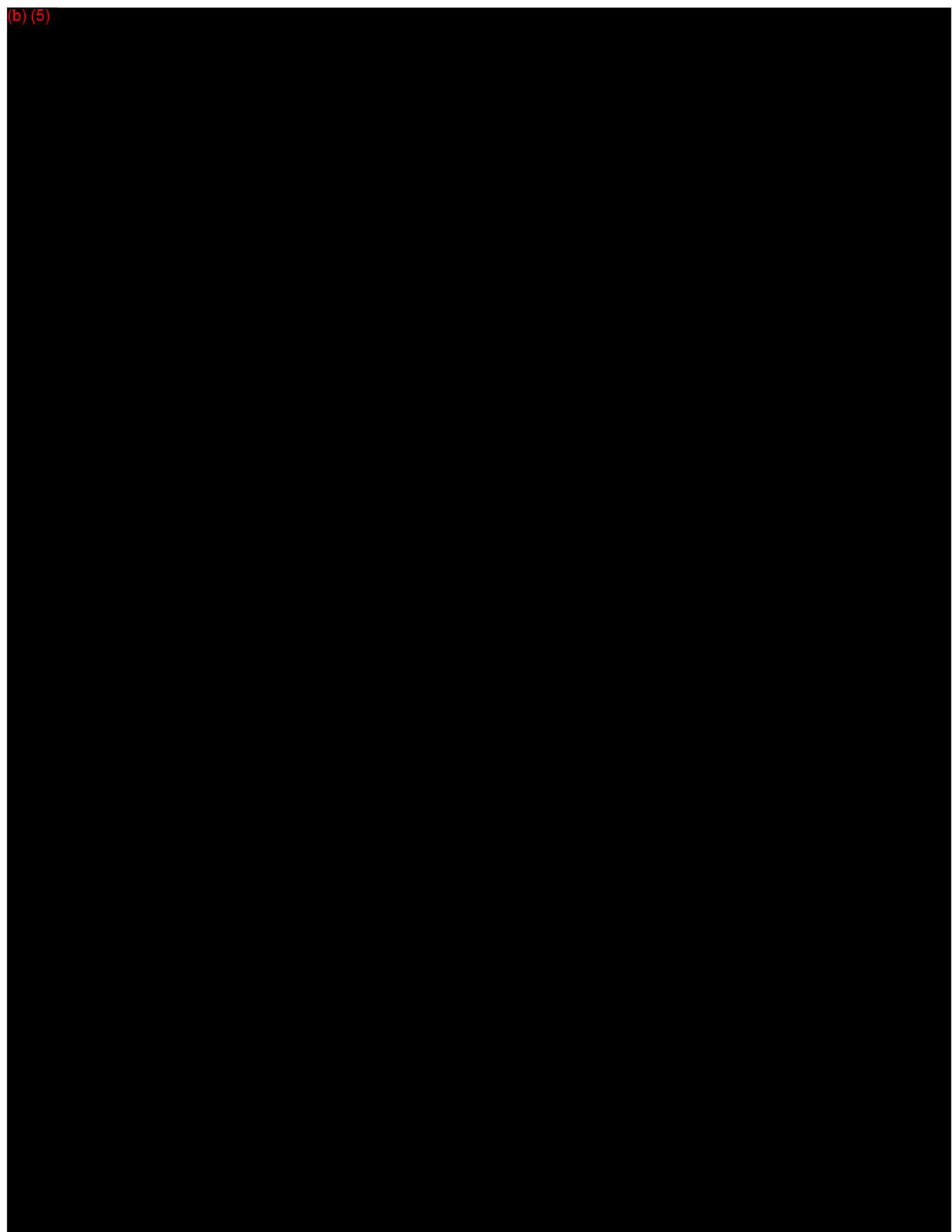
Mary B. Neumayr  
Chief of Staff, Council on Environmental Quality  
(b) (6) (office), (b) (6) (cell)  
(b) (6)



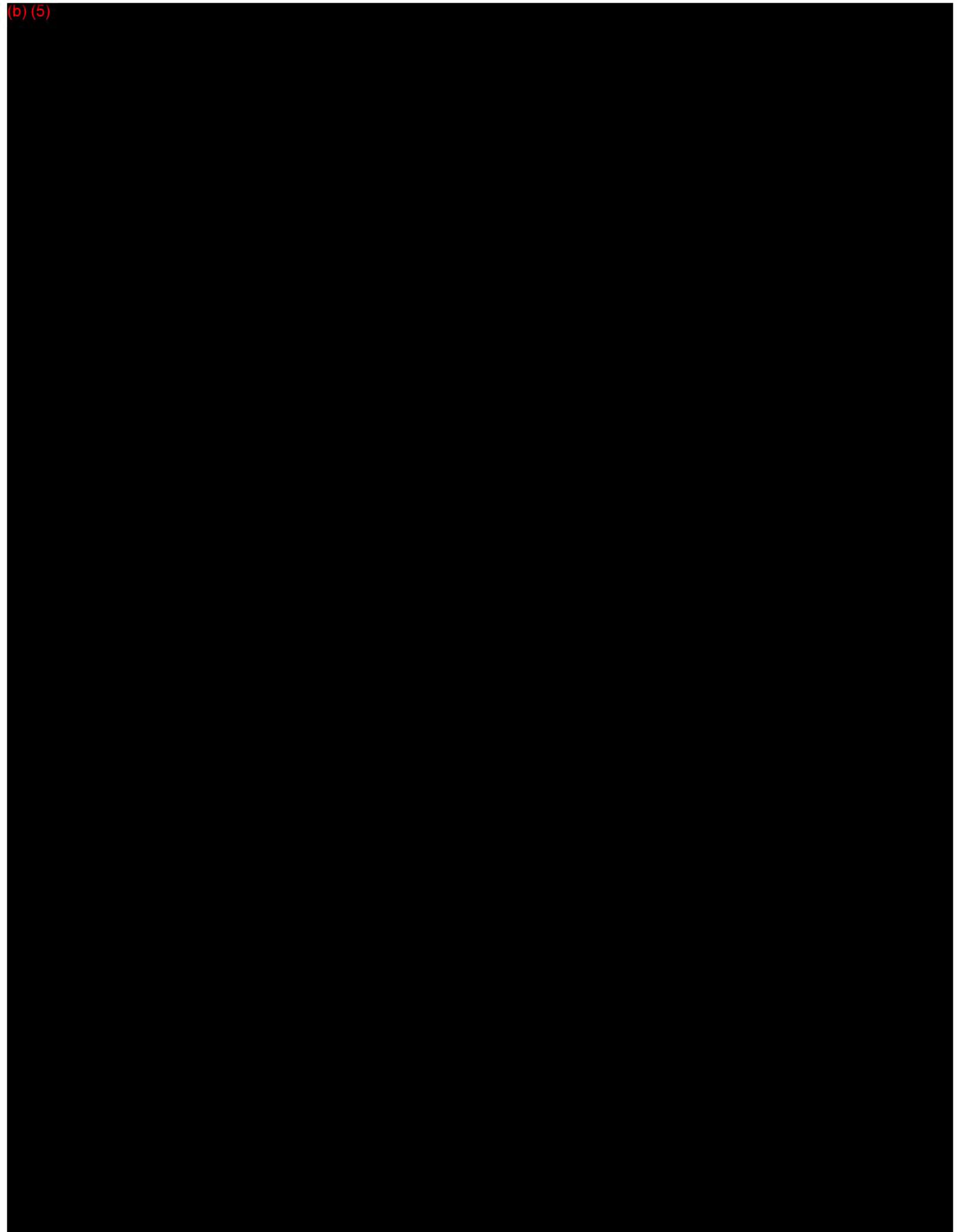


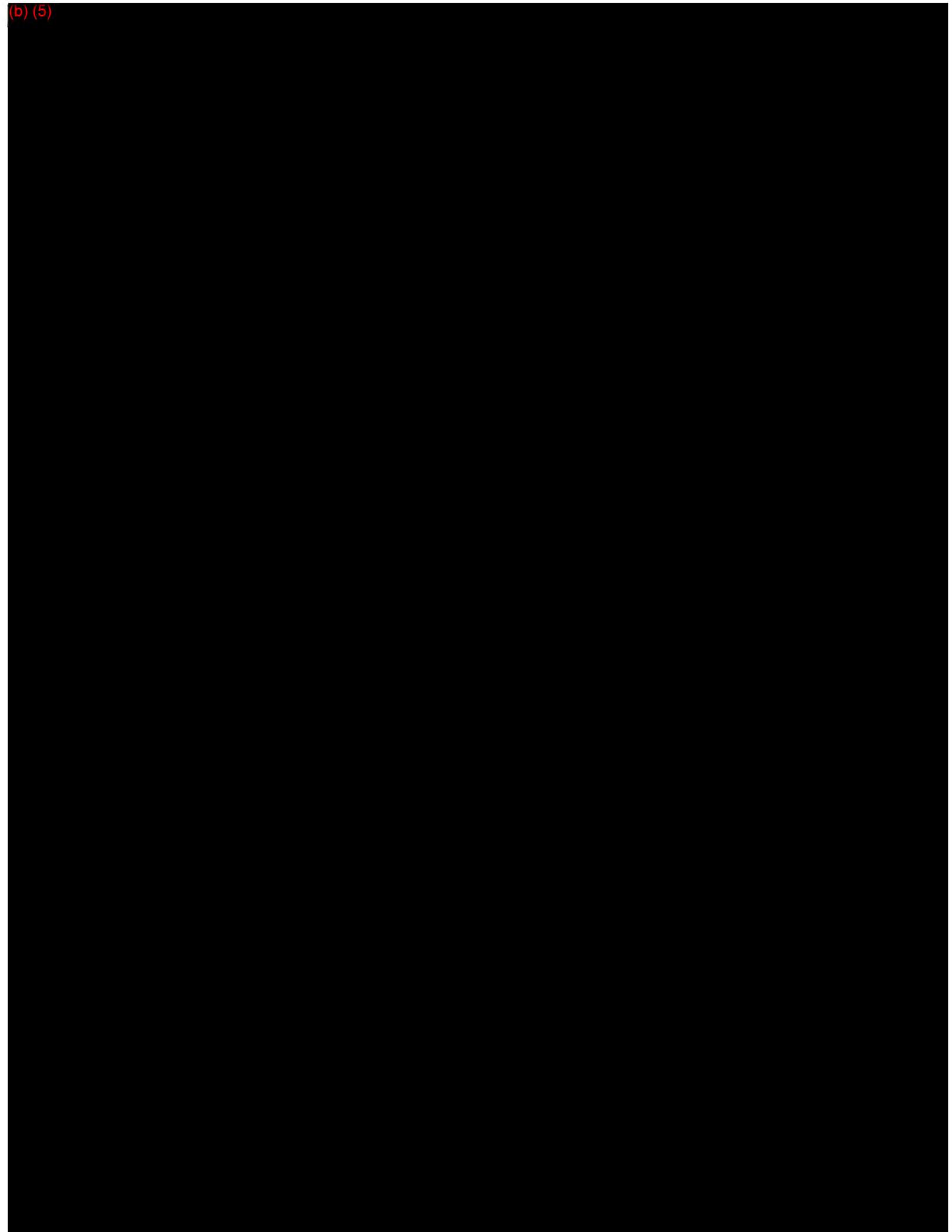


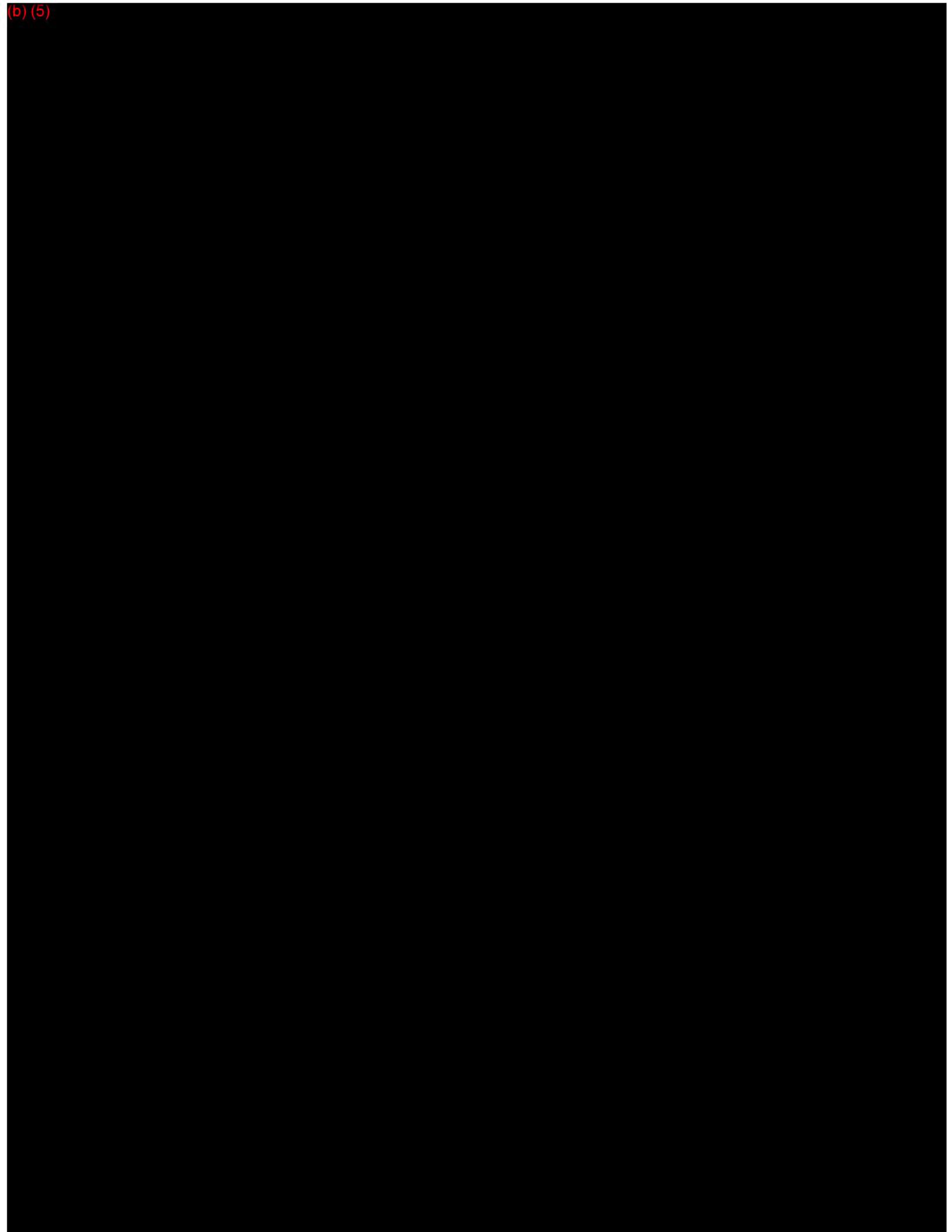


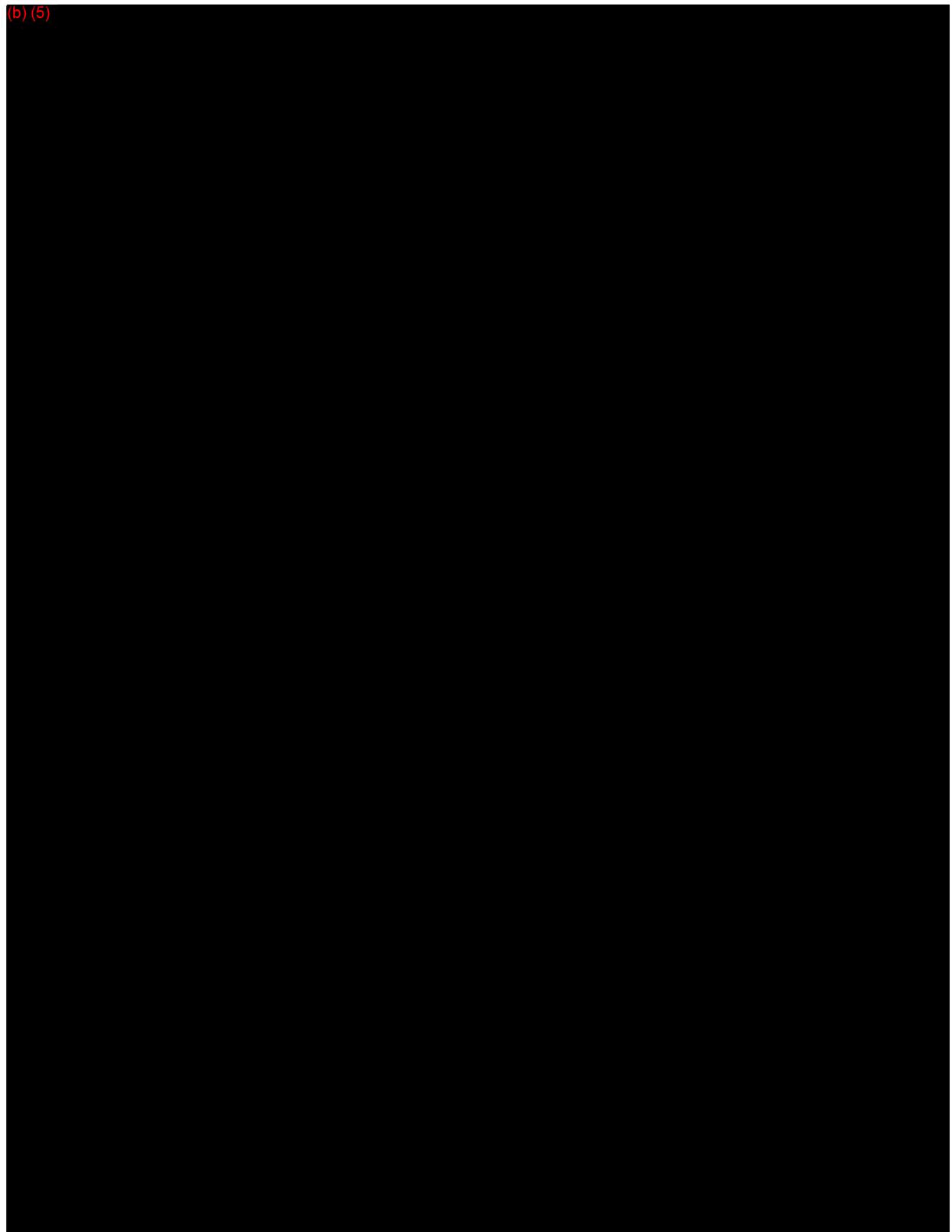


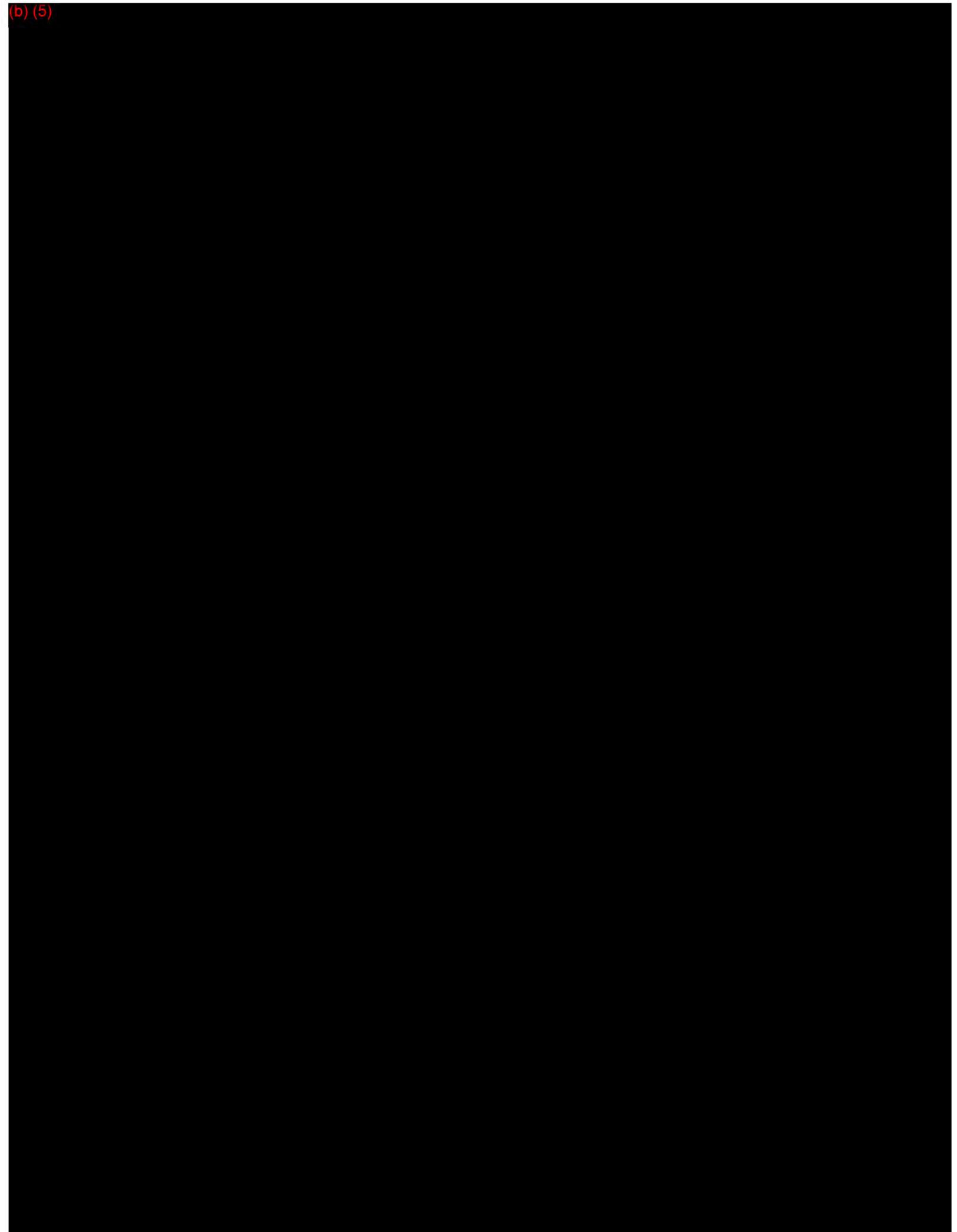
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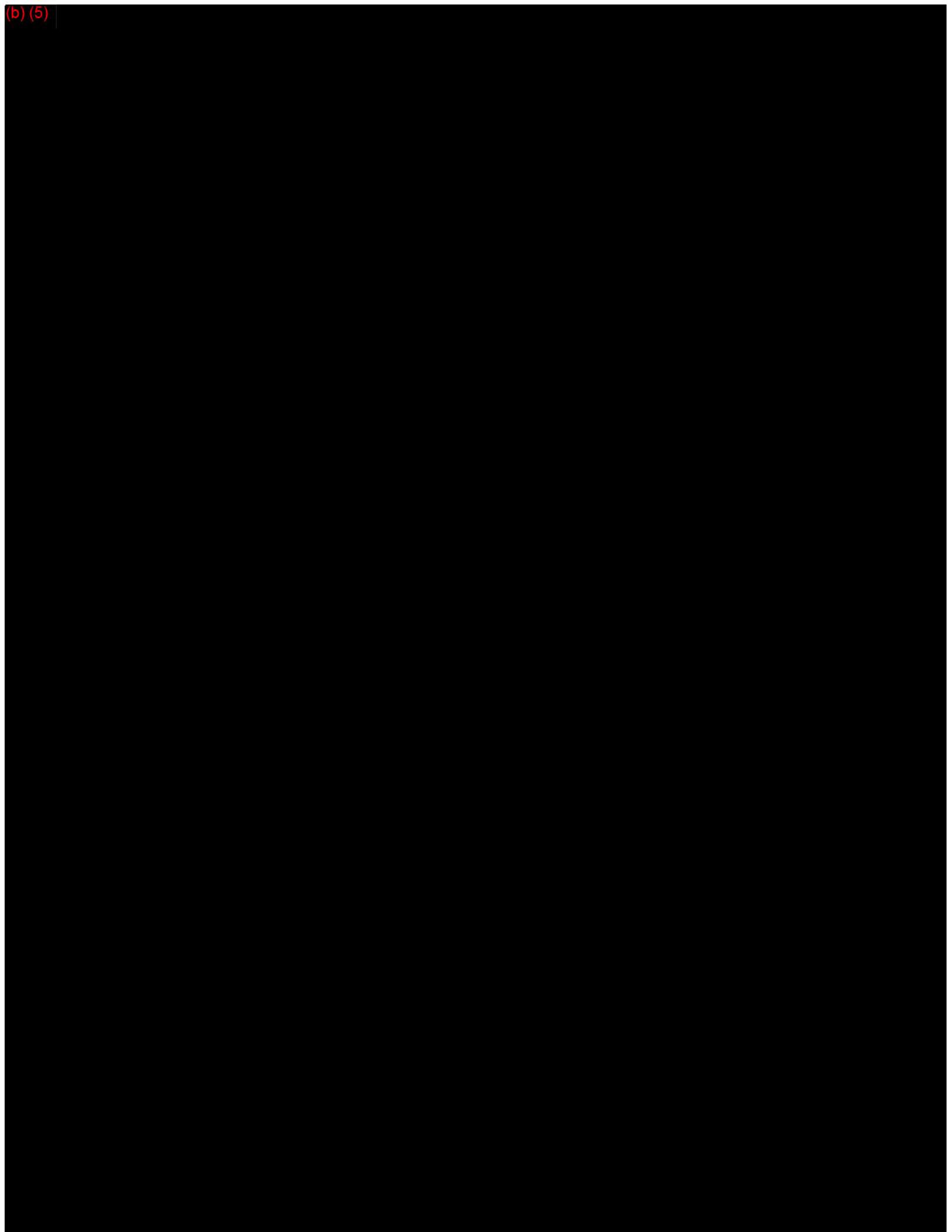


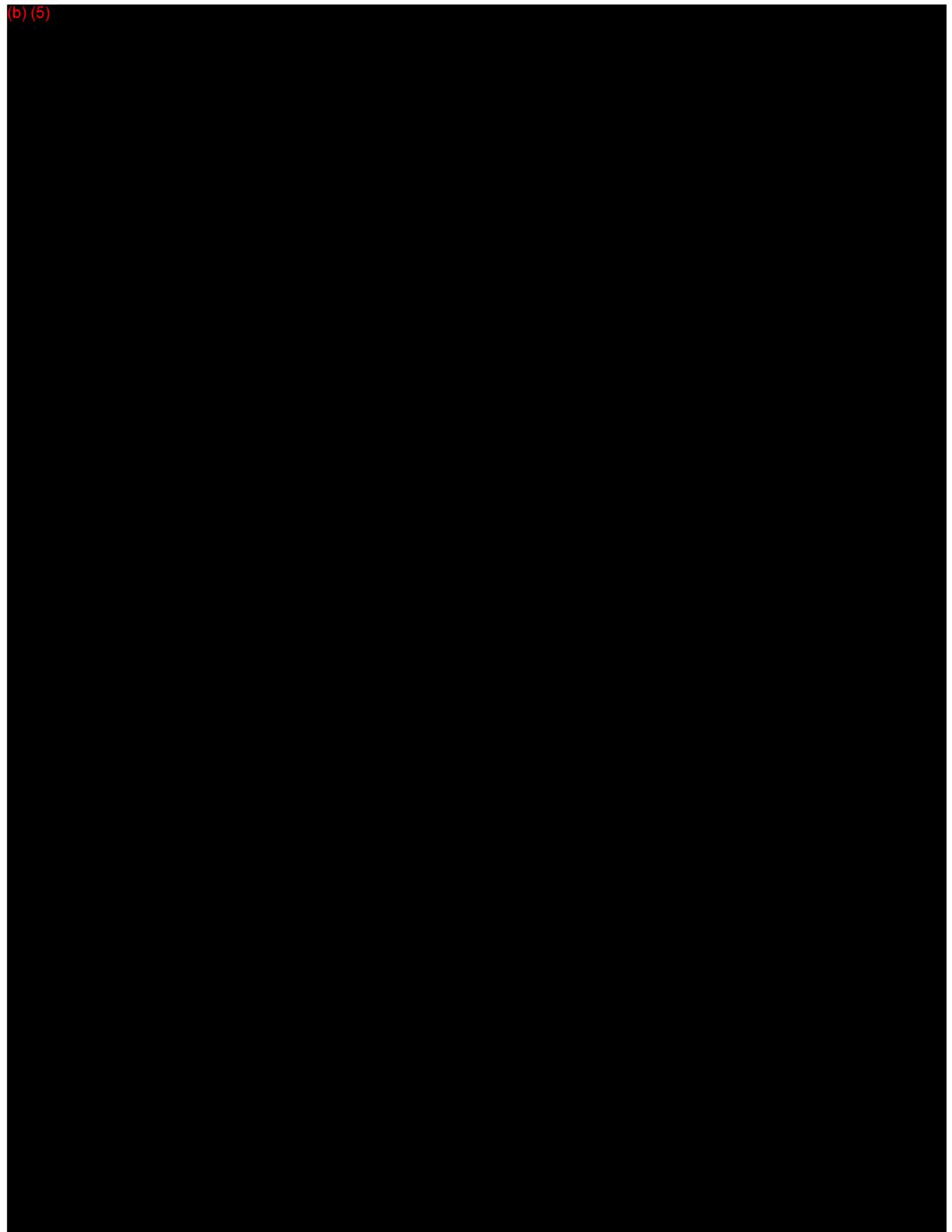


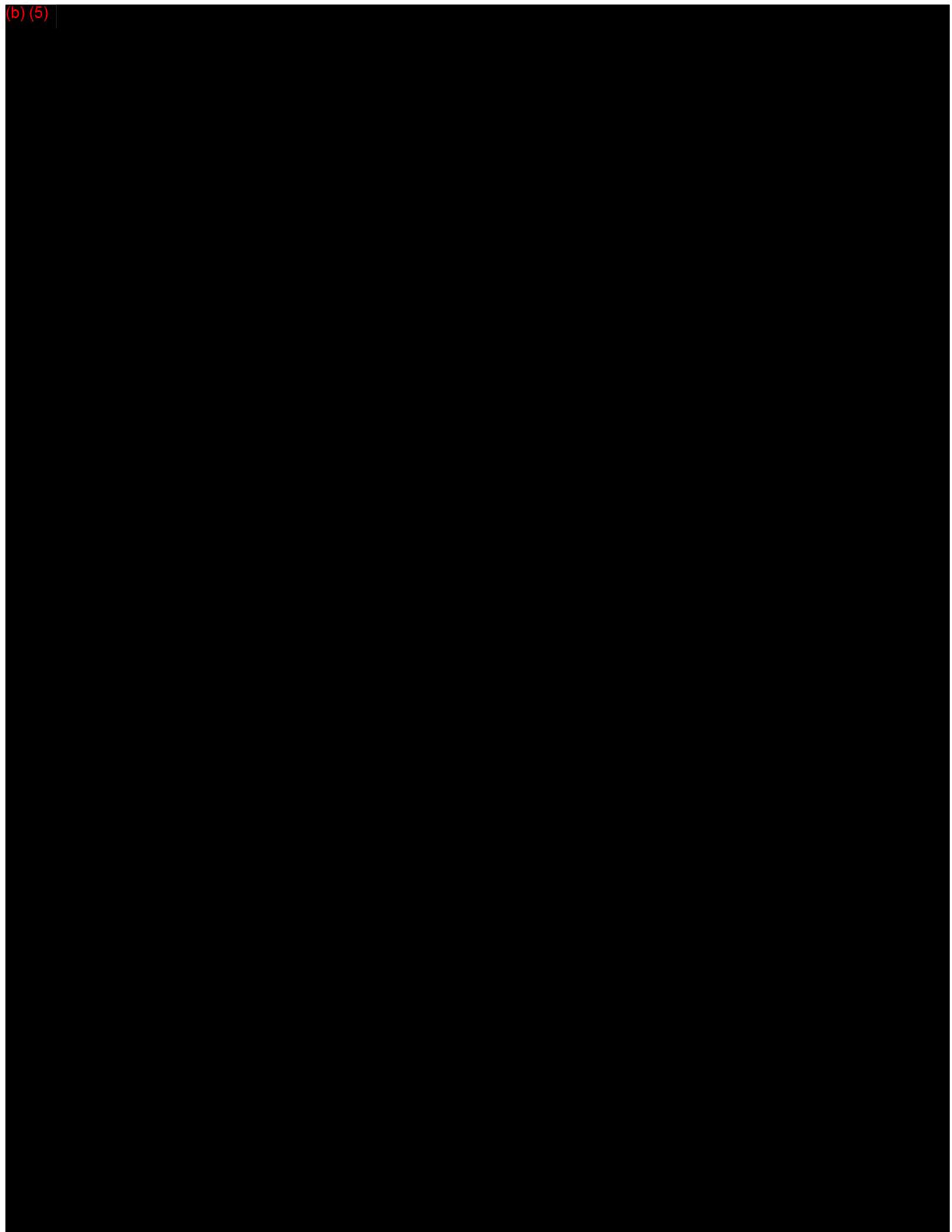


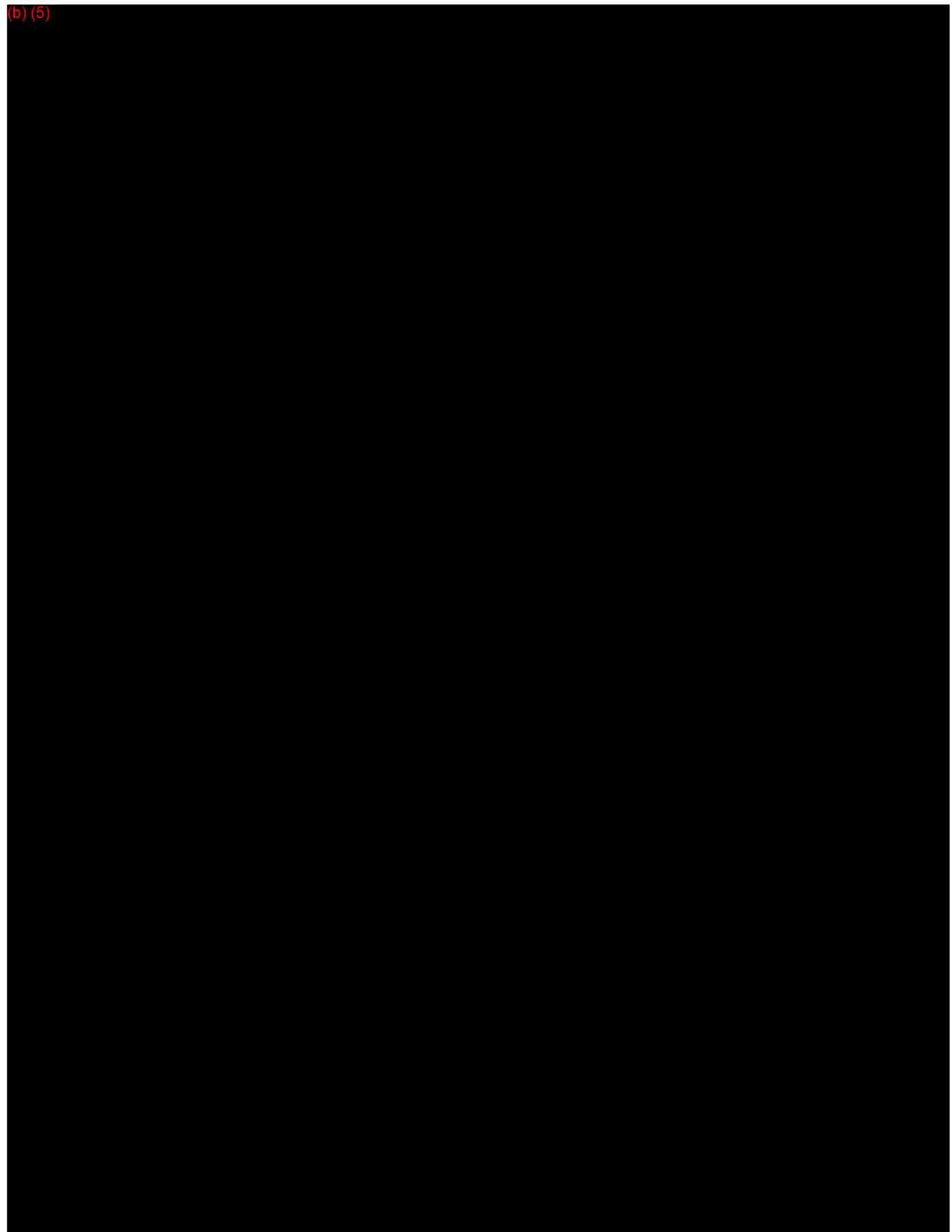


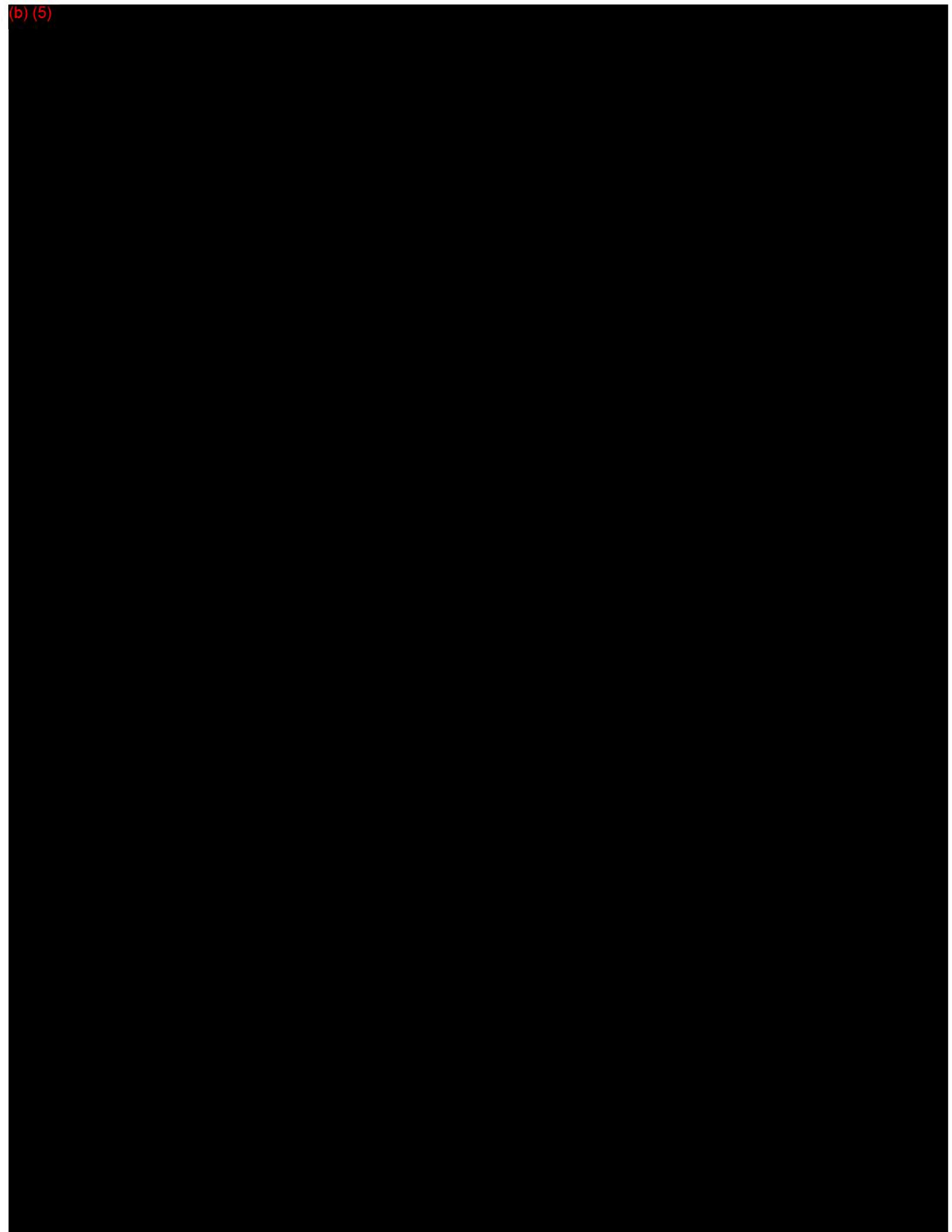
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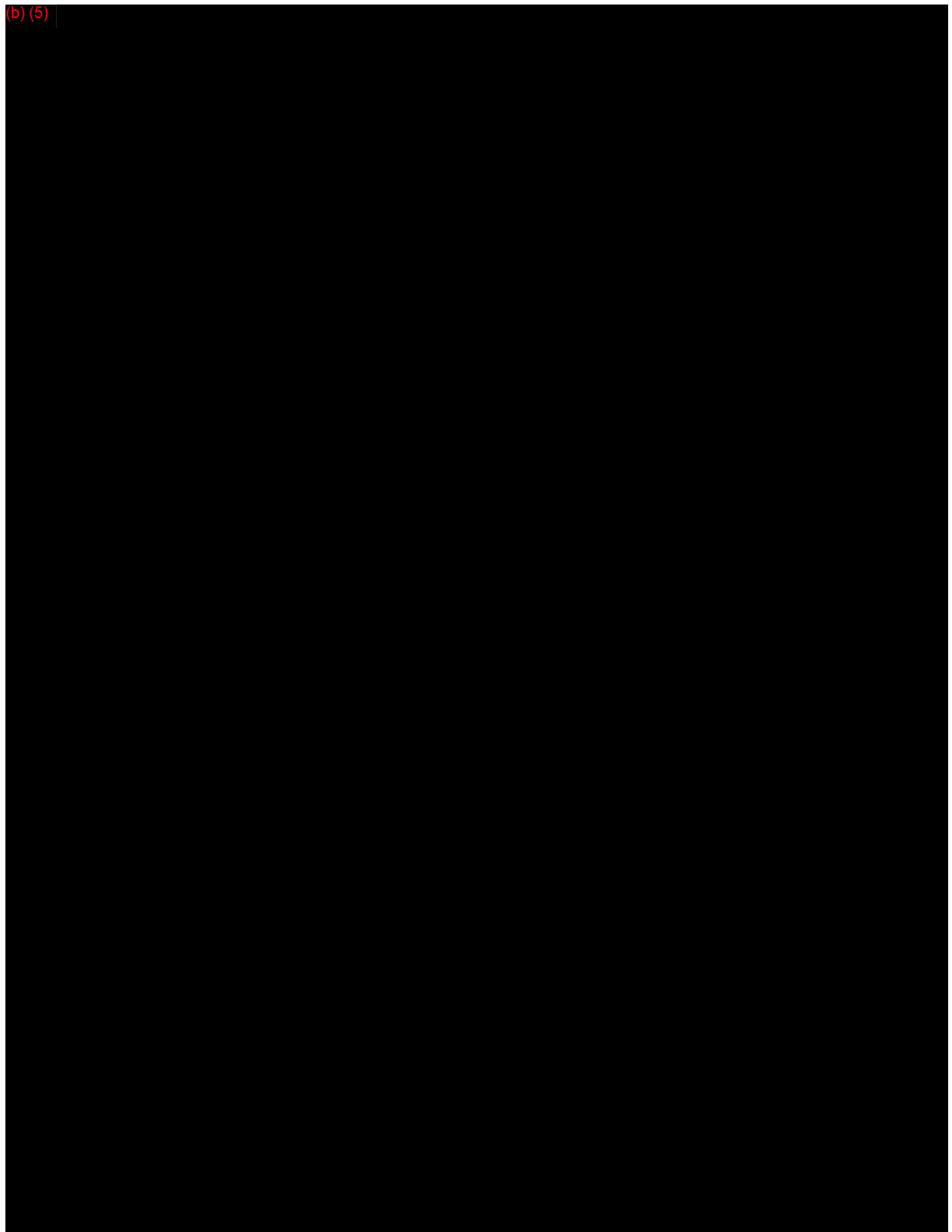


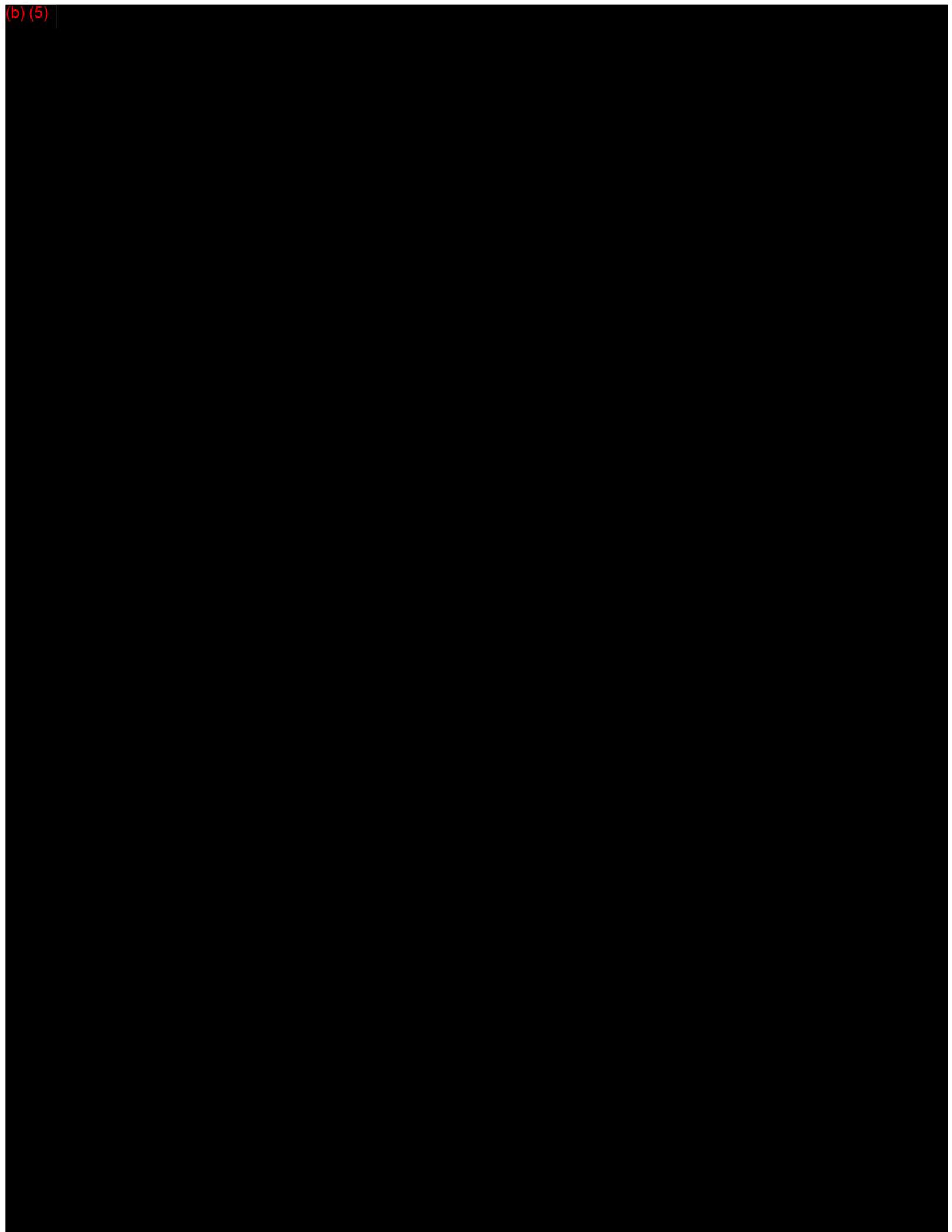


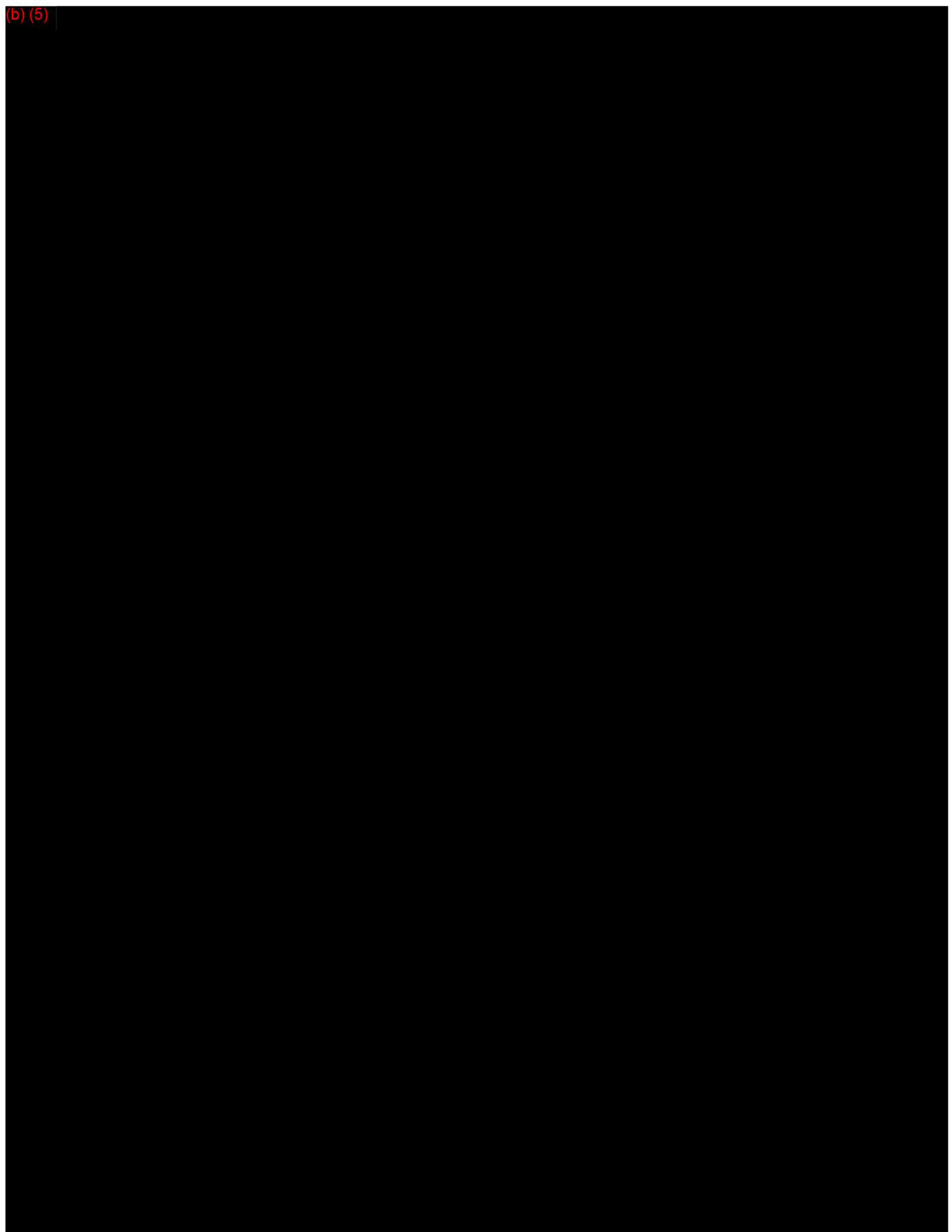


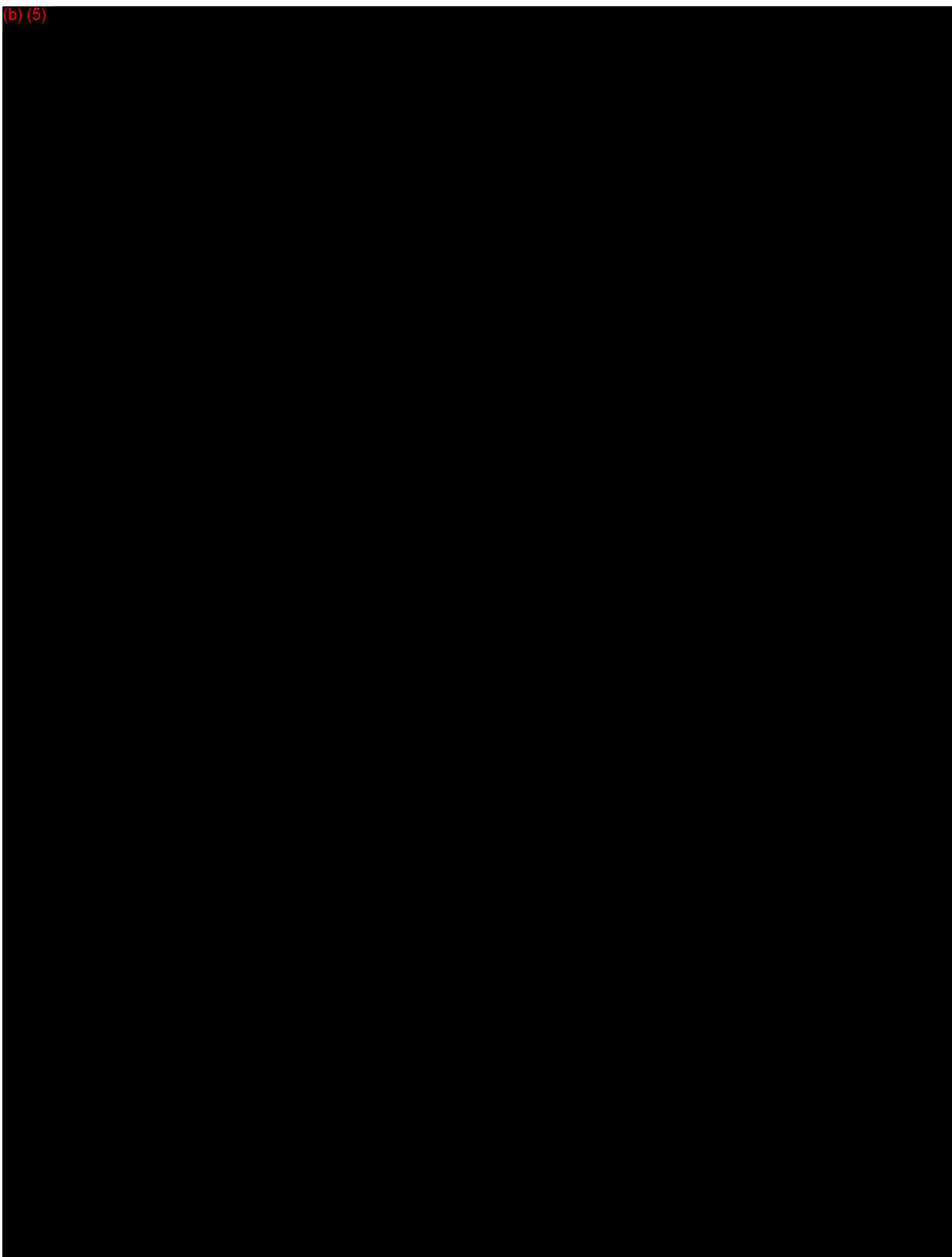


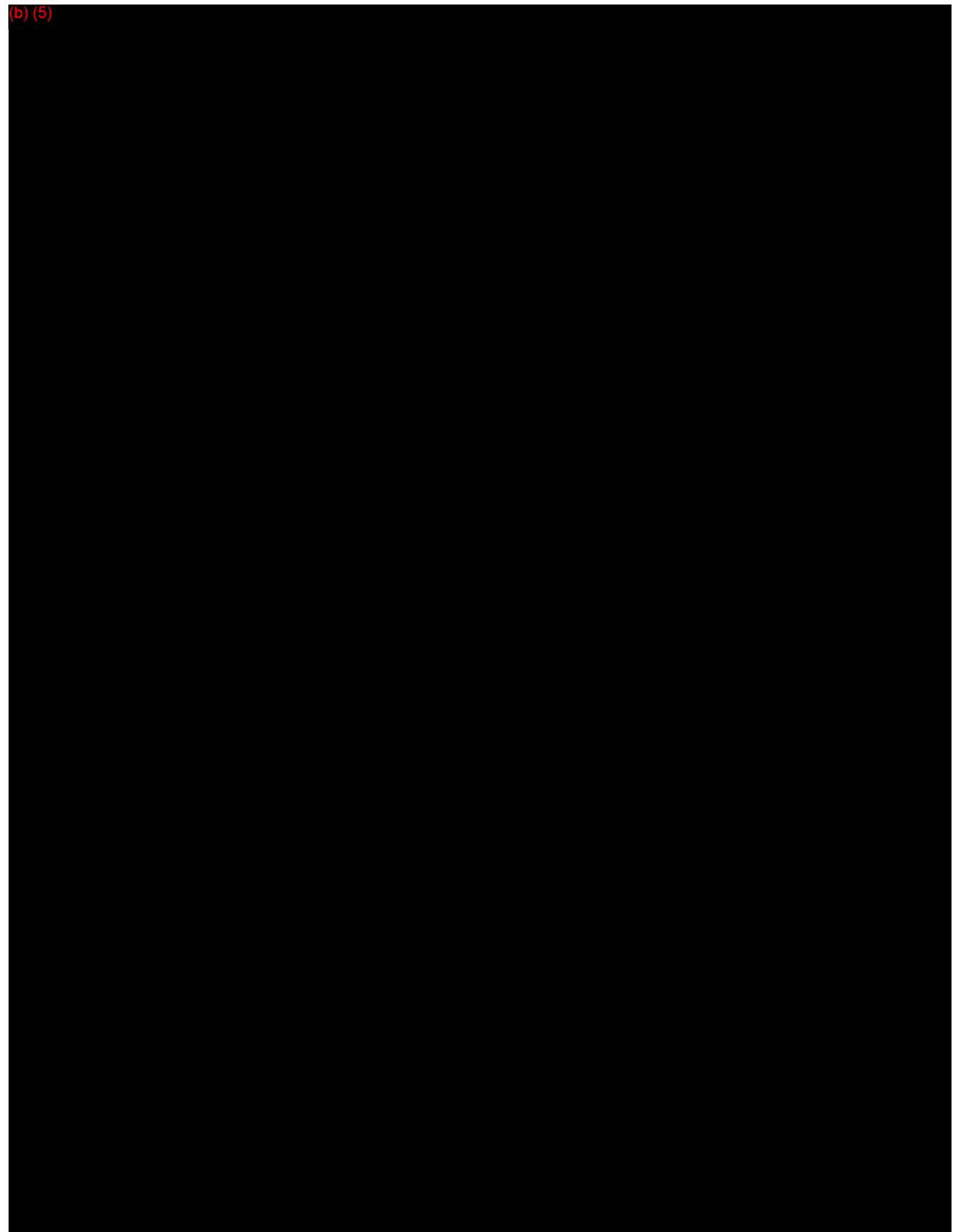
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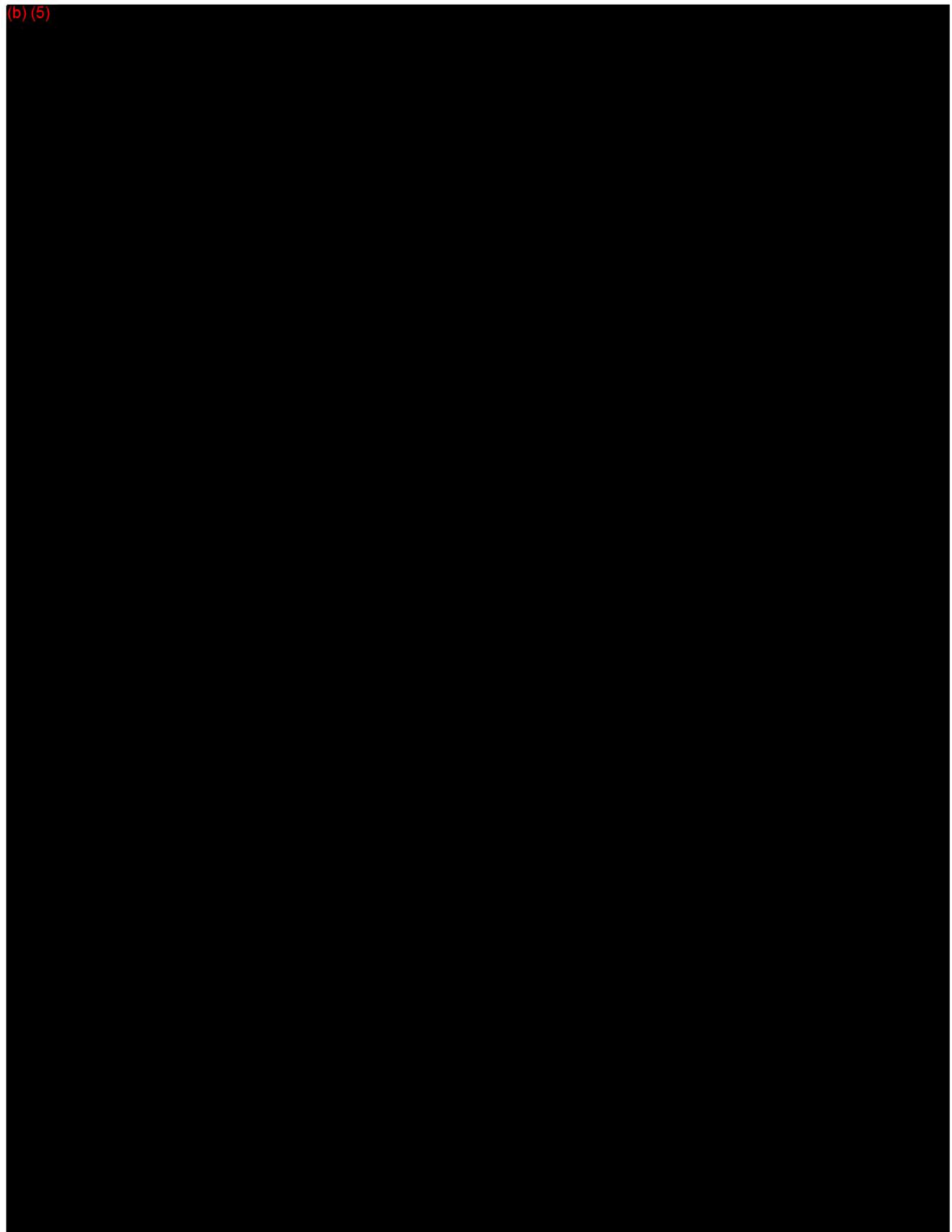


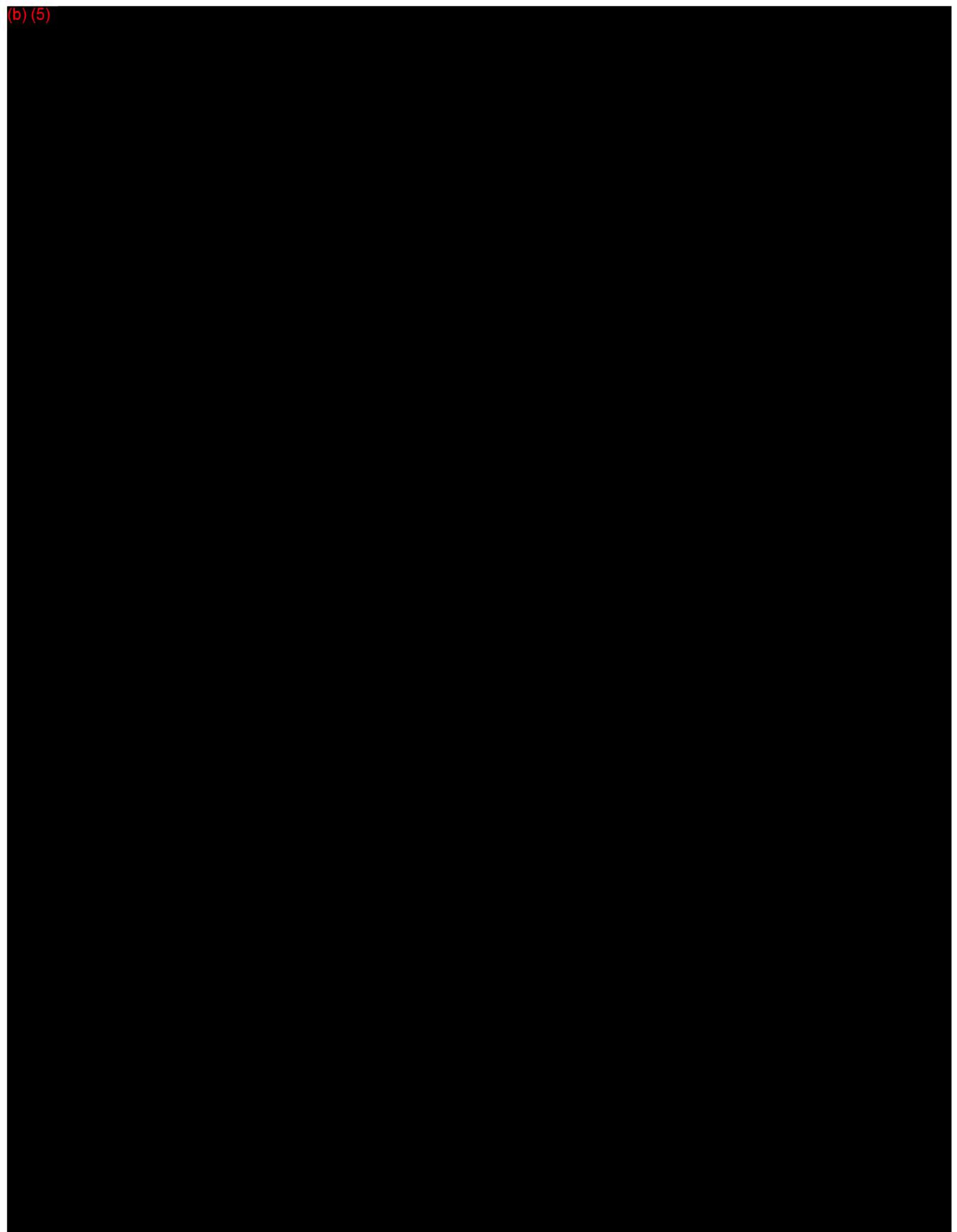


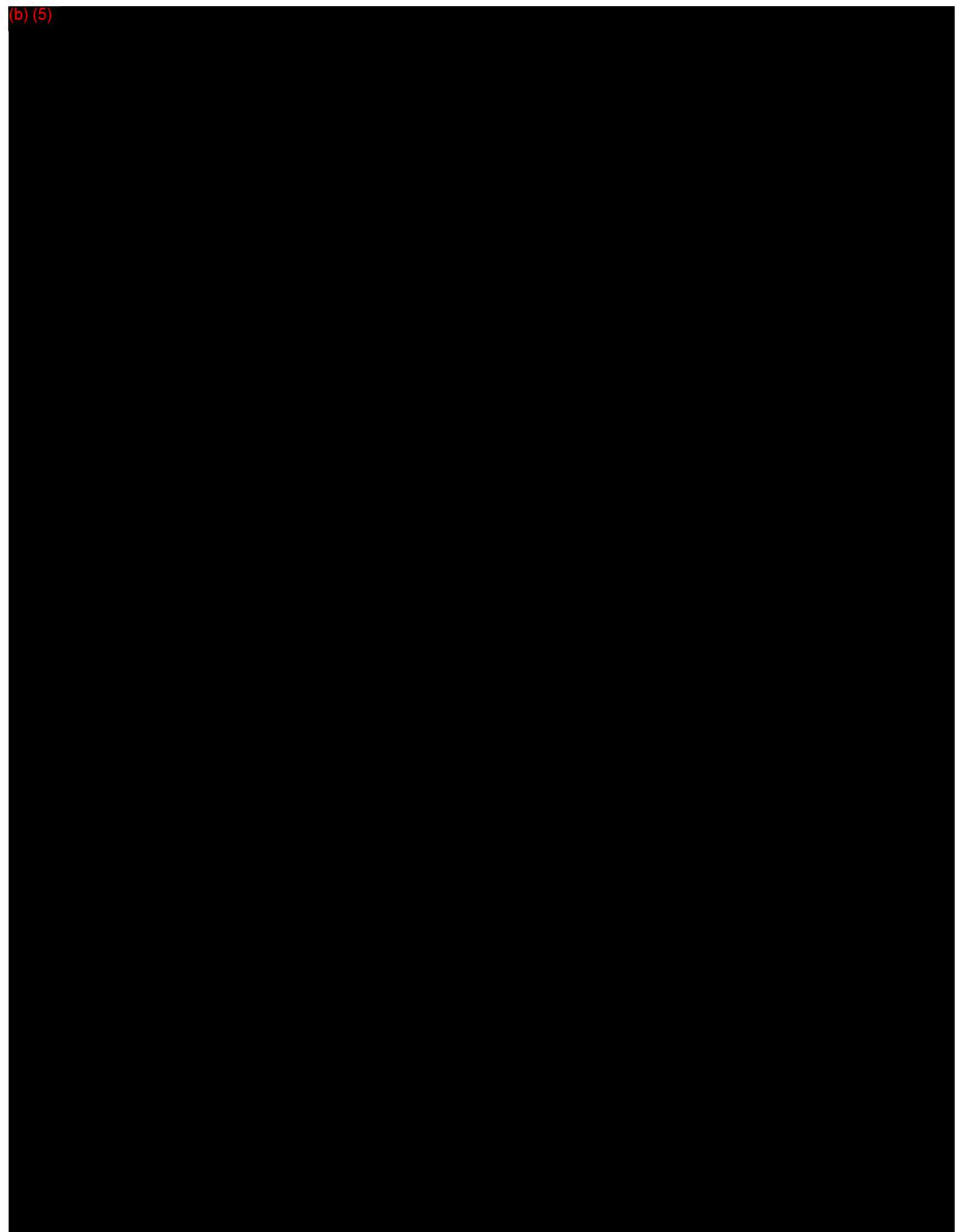




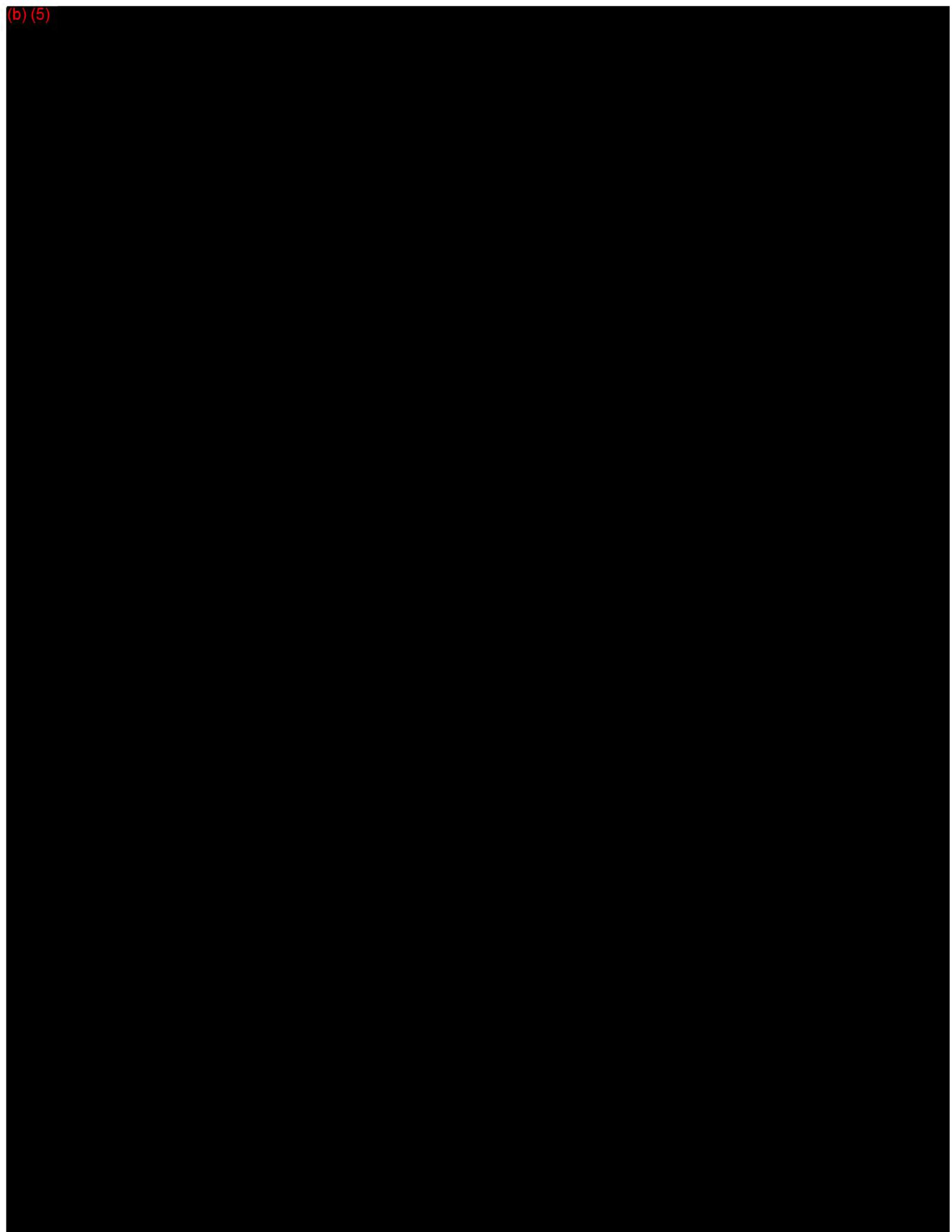
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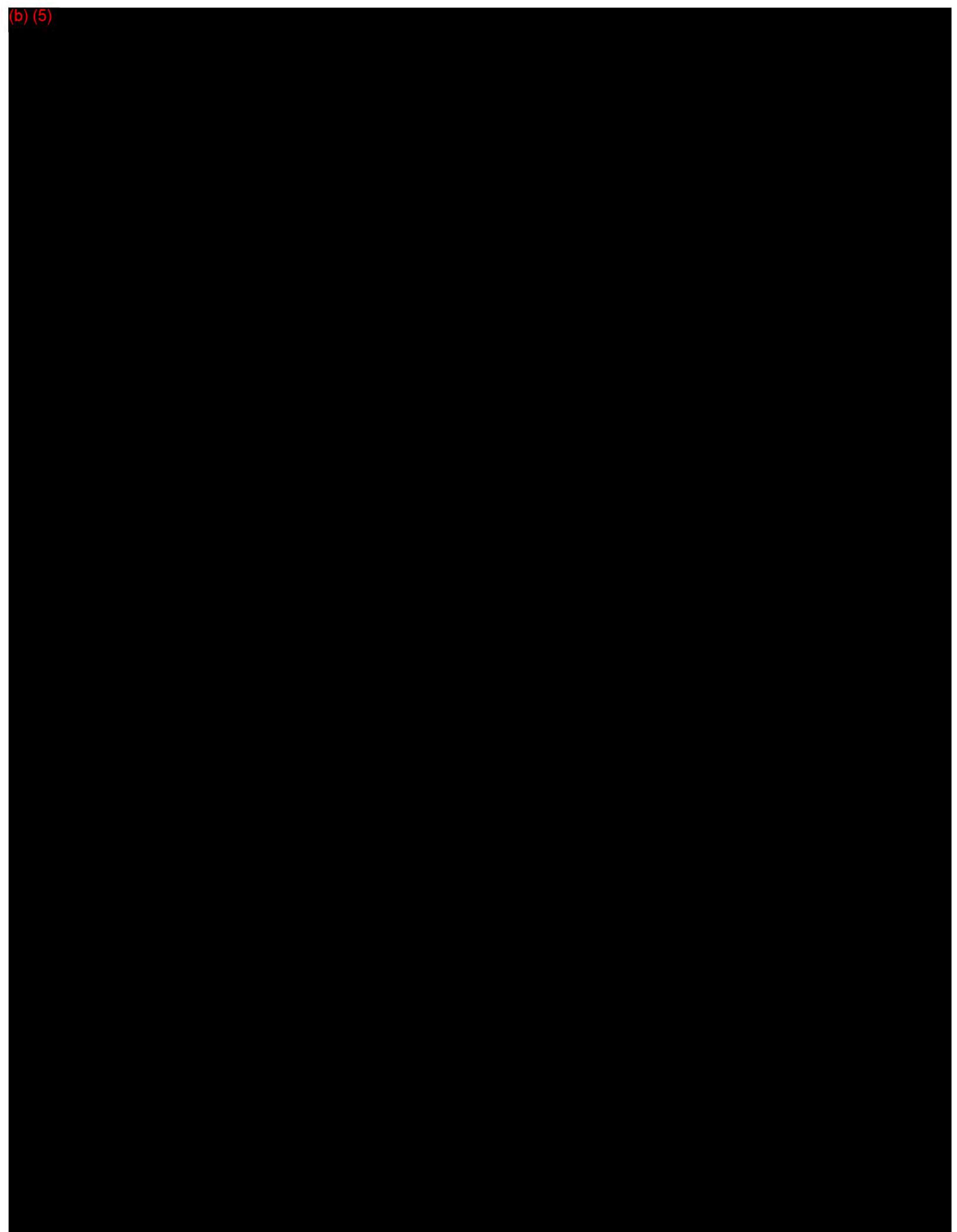




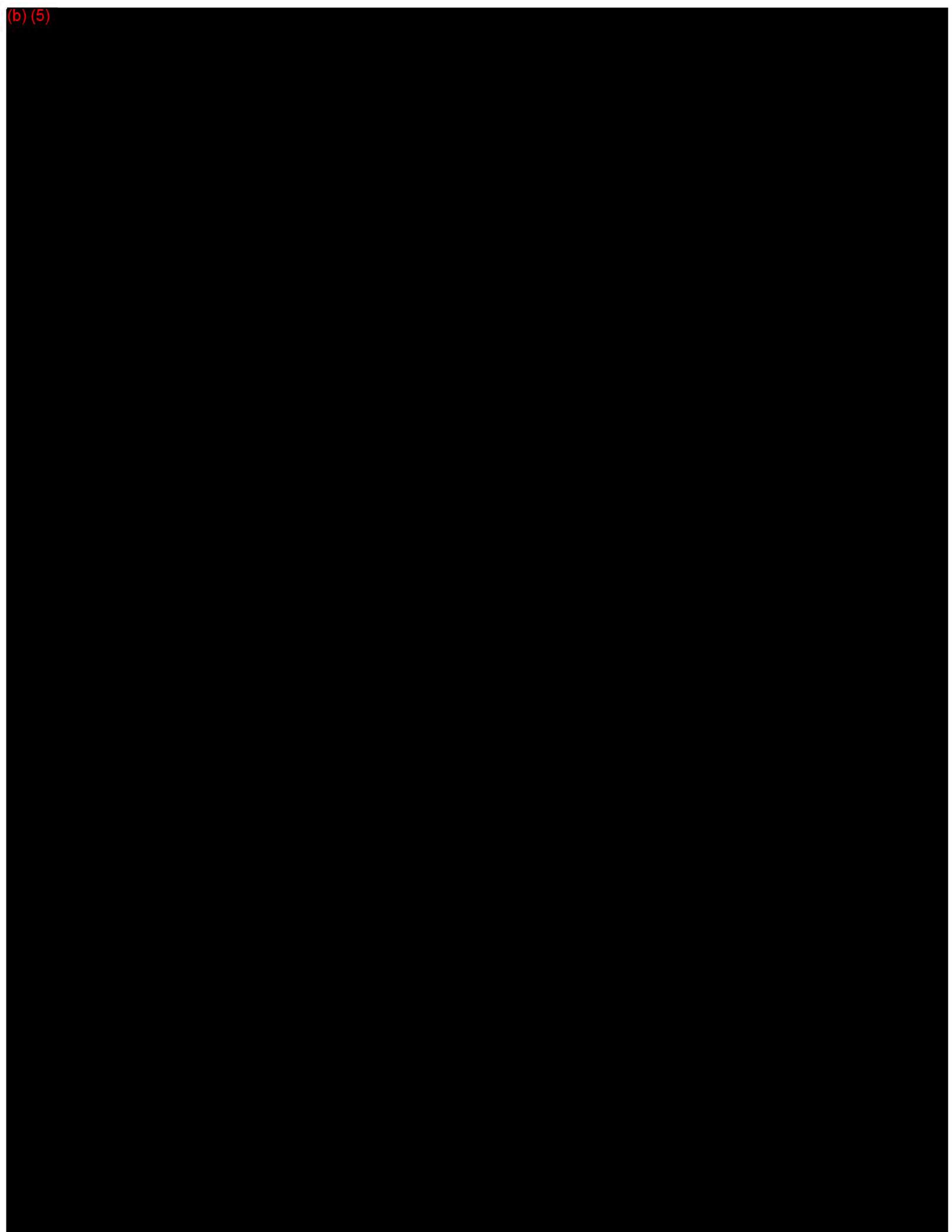


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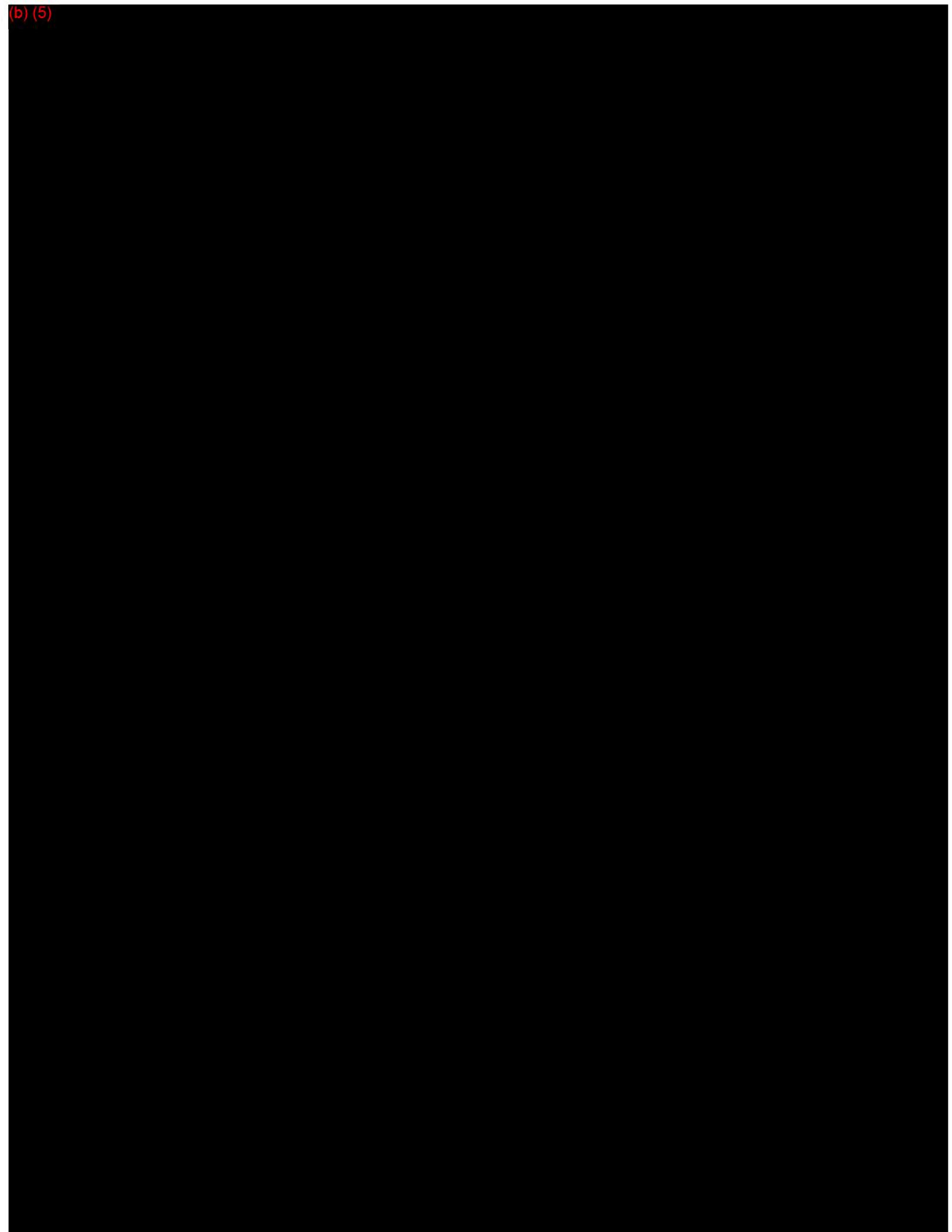




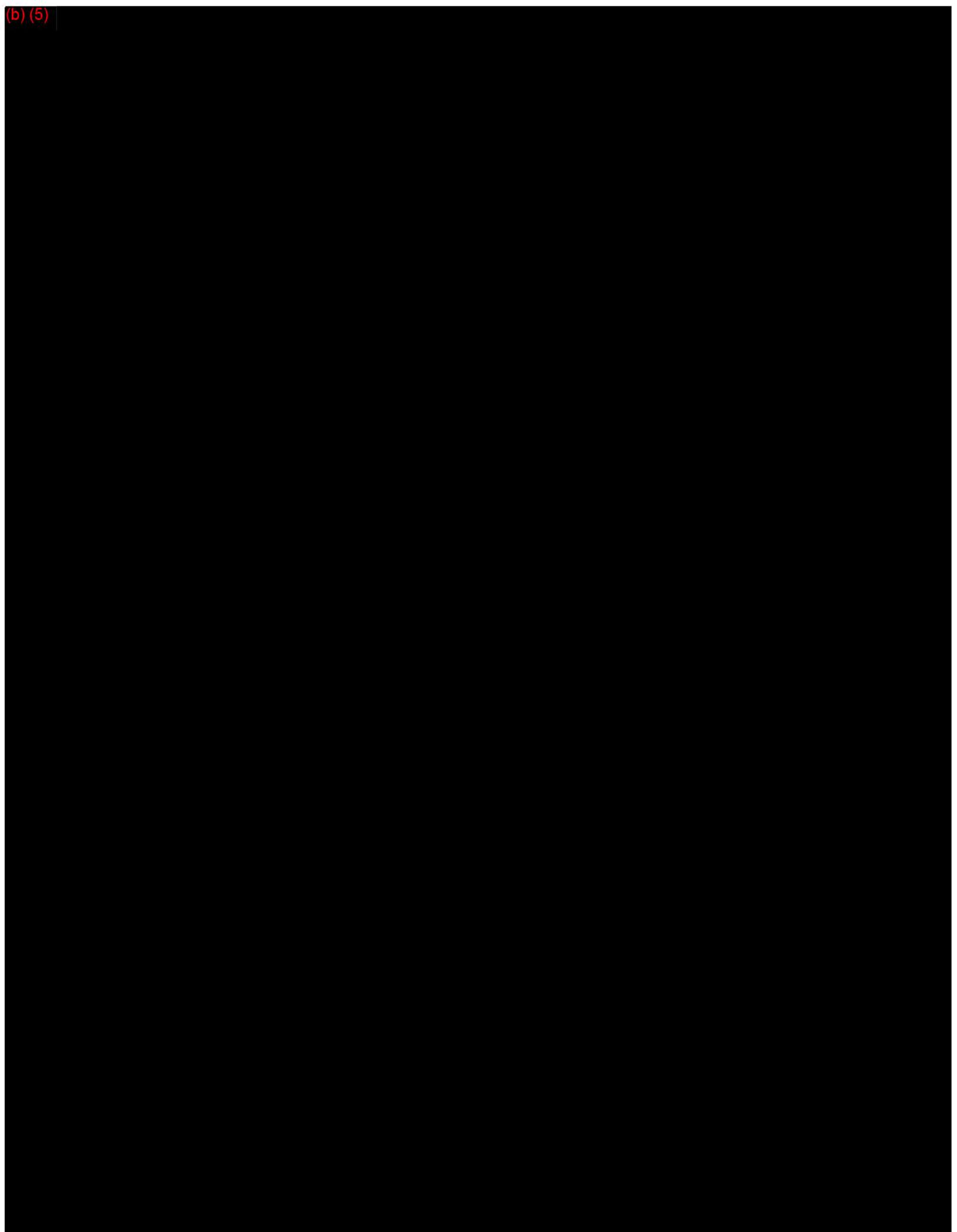
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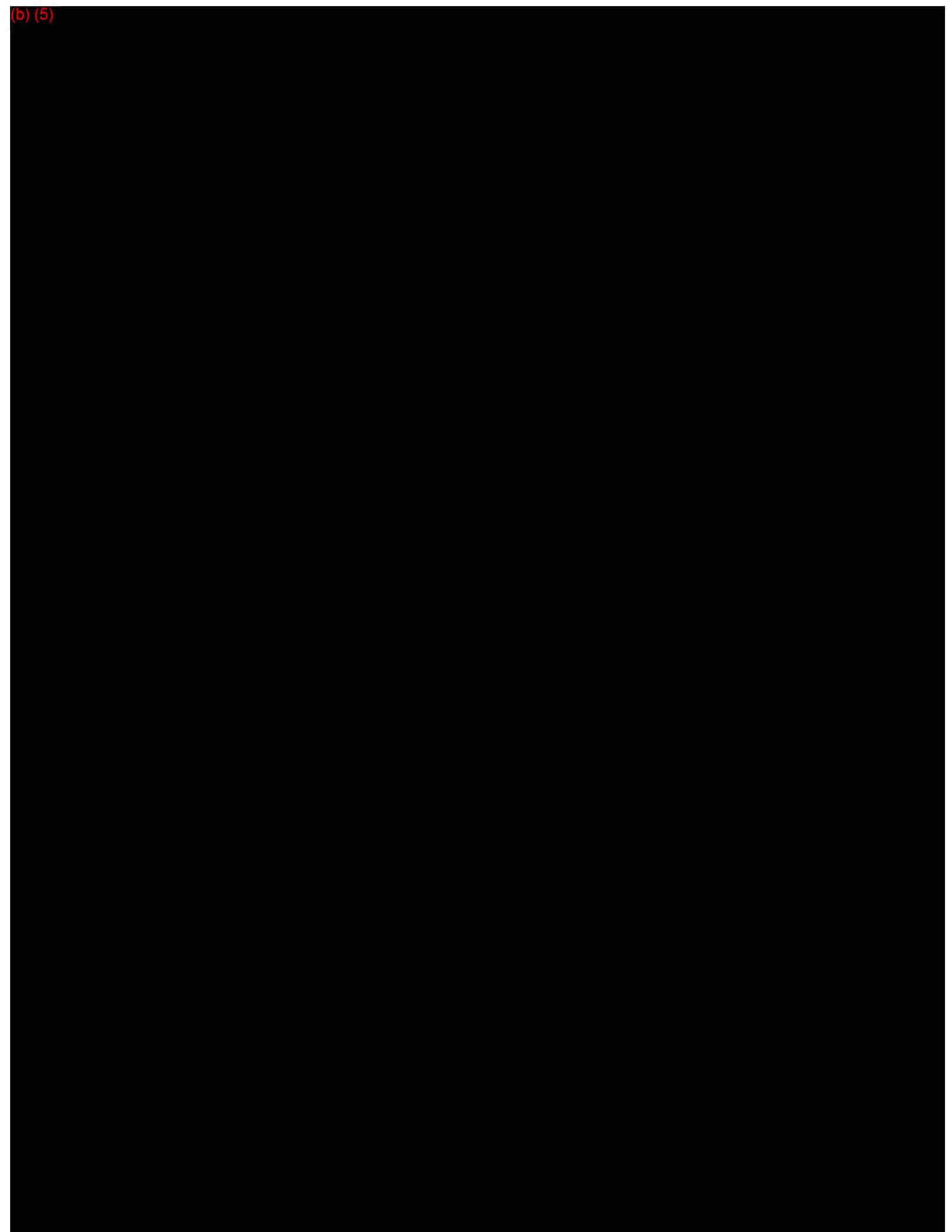


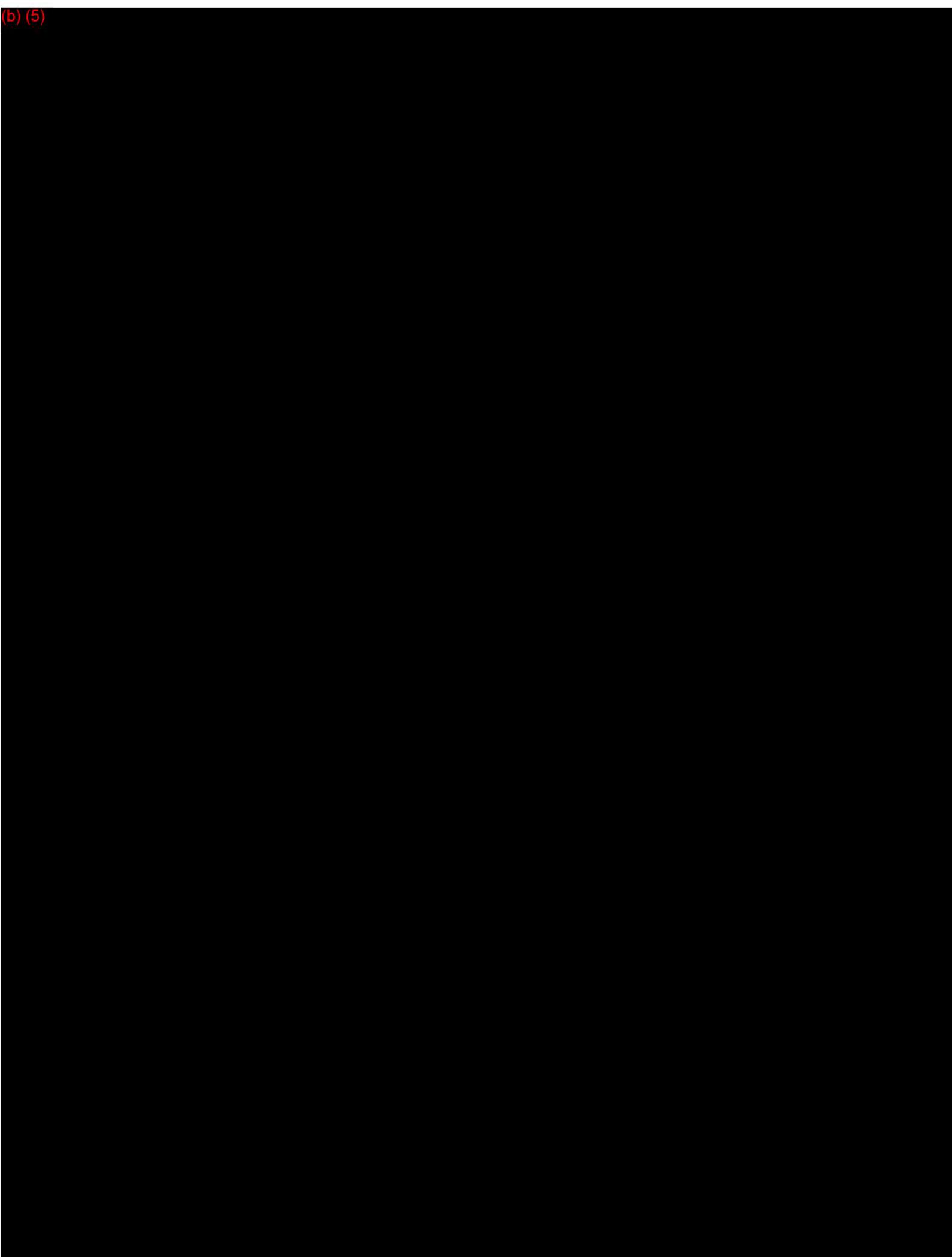
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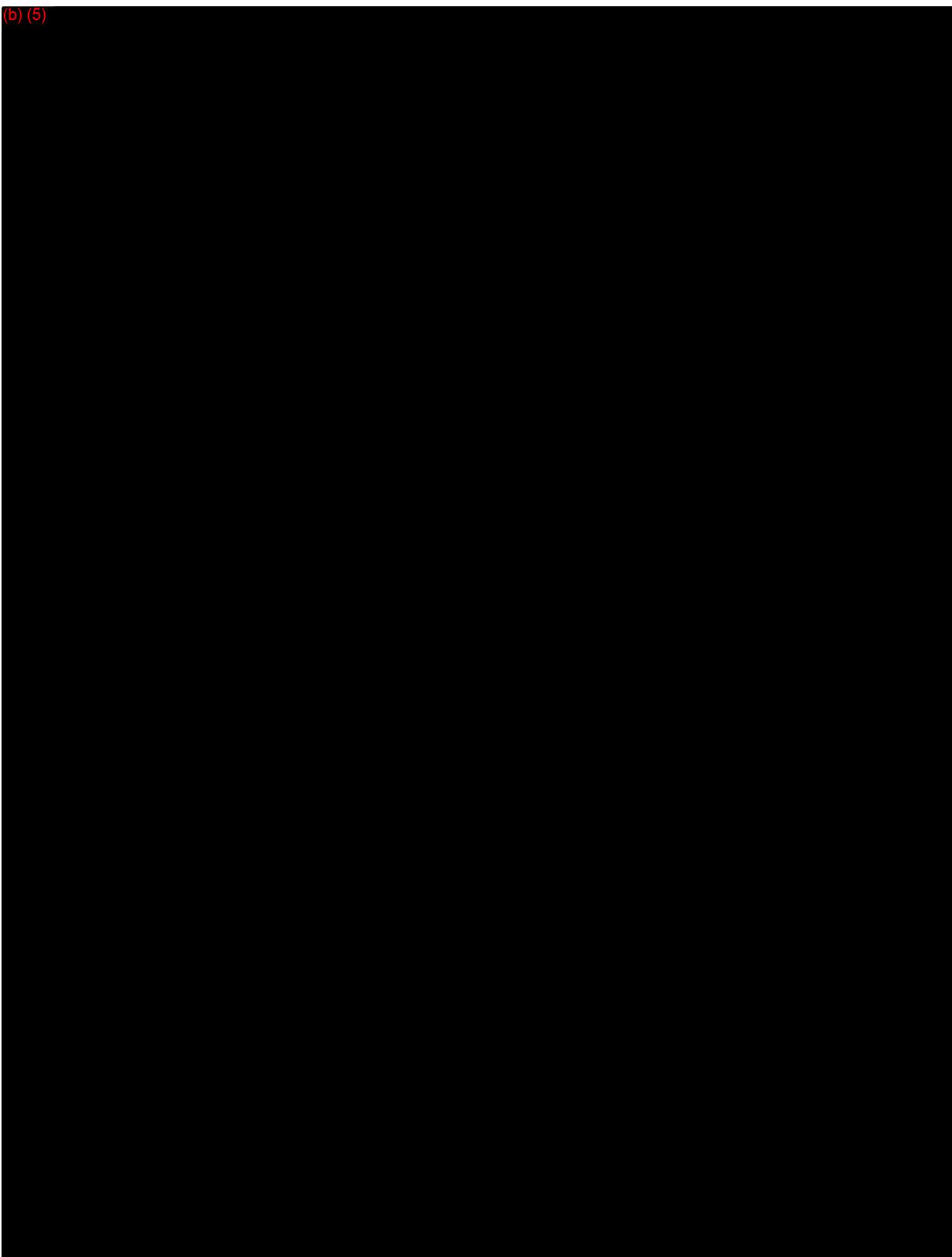


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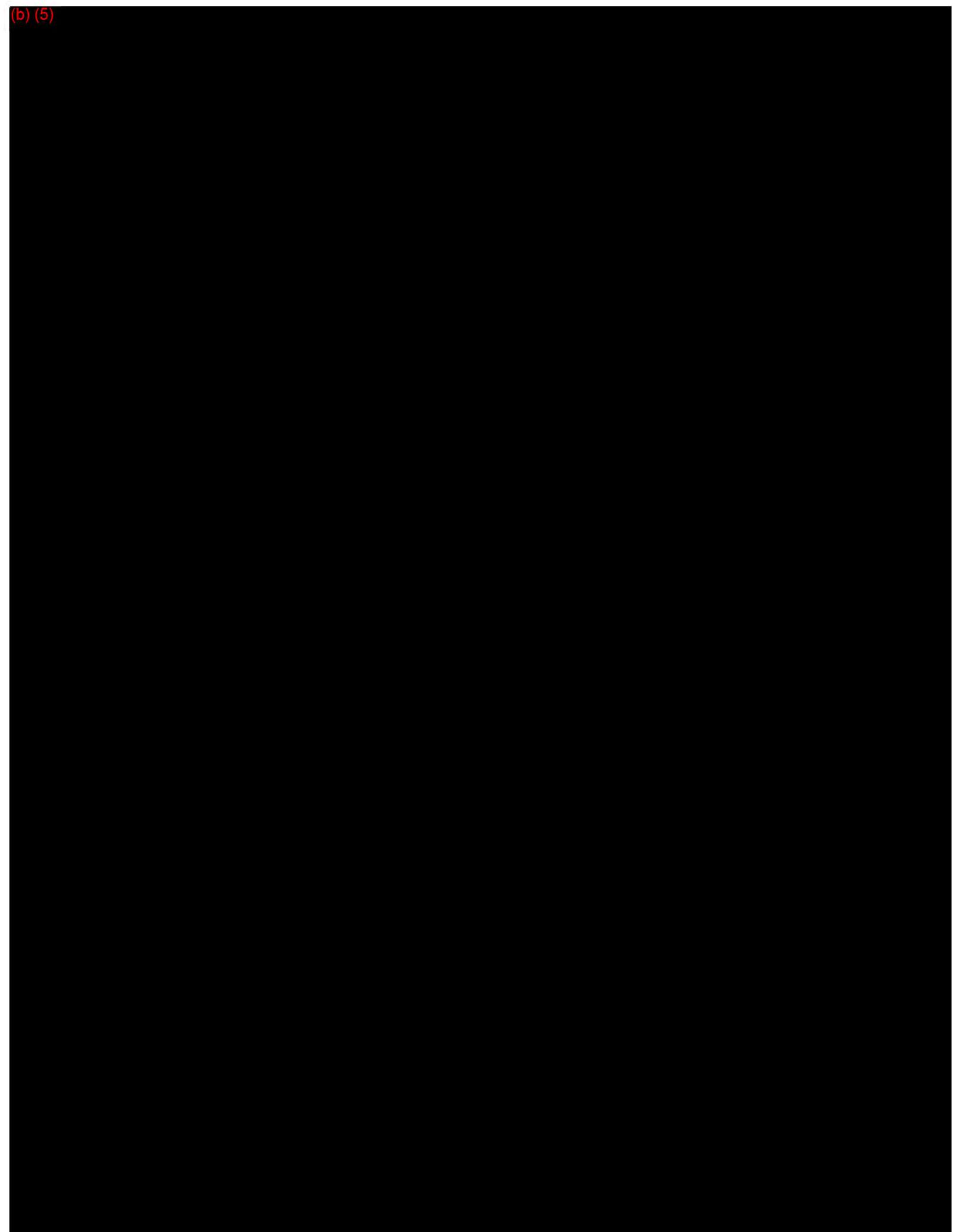
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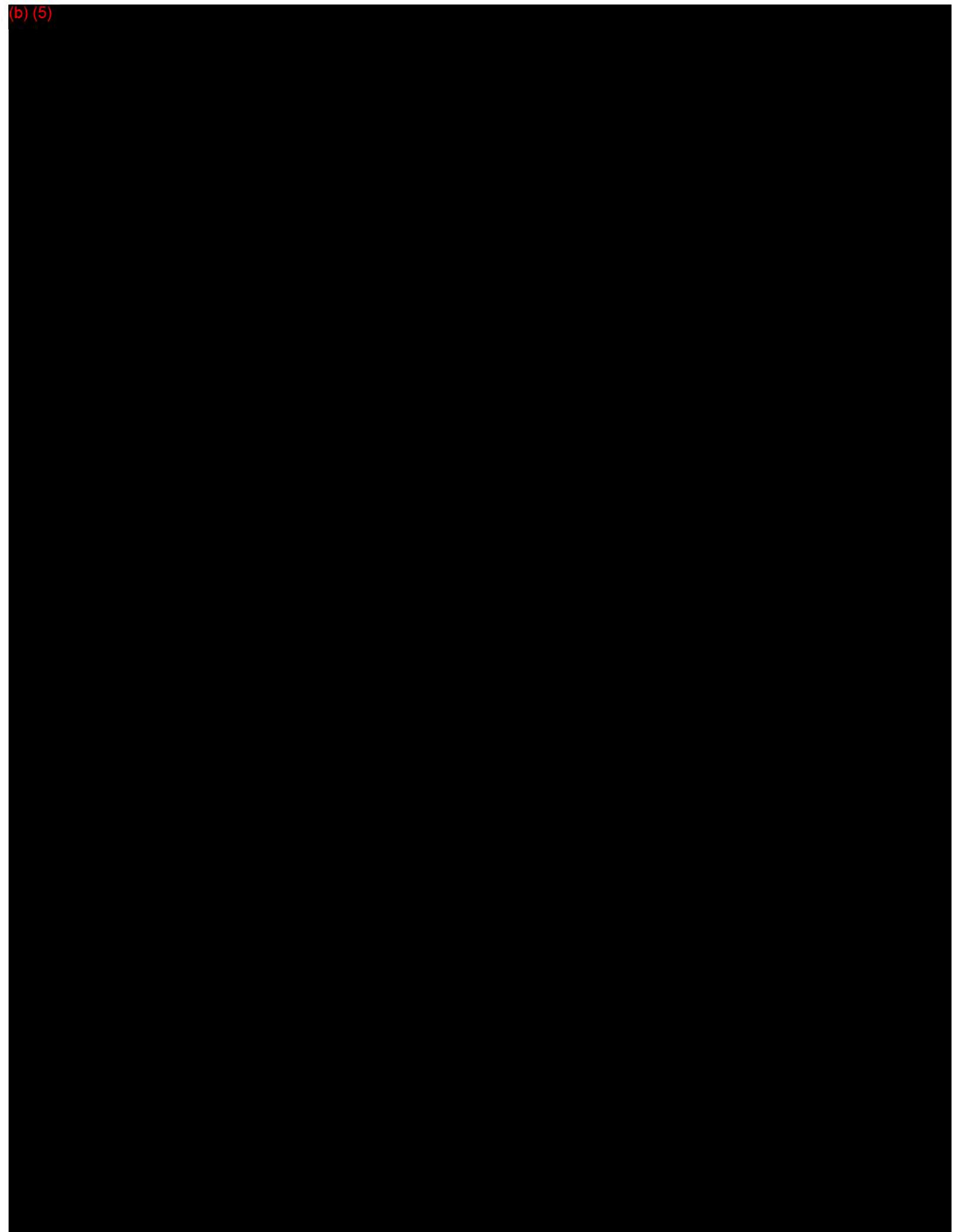
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**From:** "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**To:** "Pettigrew, Theresa L. EOP/CEQ" <(b) (6)>  
**Date:** Wed, 25 Jul 2018 19:48:04 -0400  
**Attachments:** All Neumayr QFRs 07.19.2018 DRAFT RESPONSES.docx (81.75 kB)

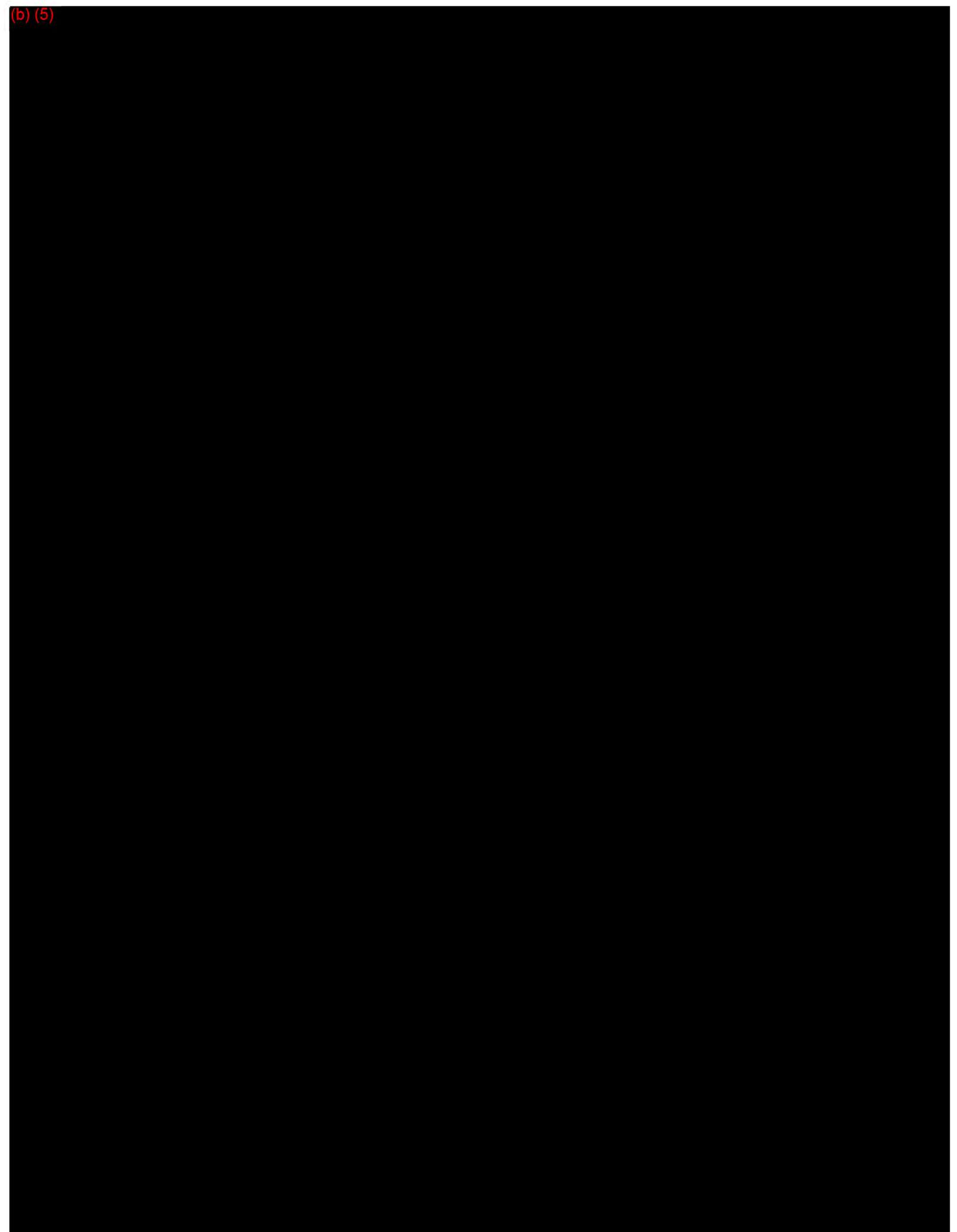
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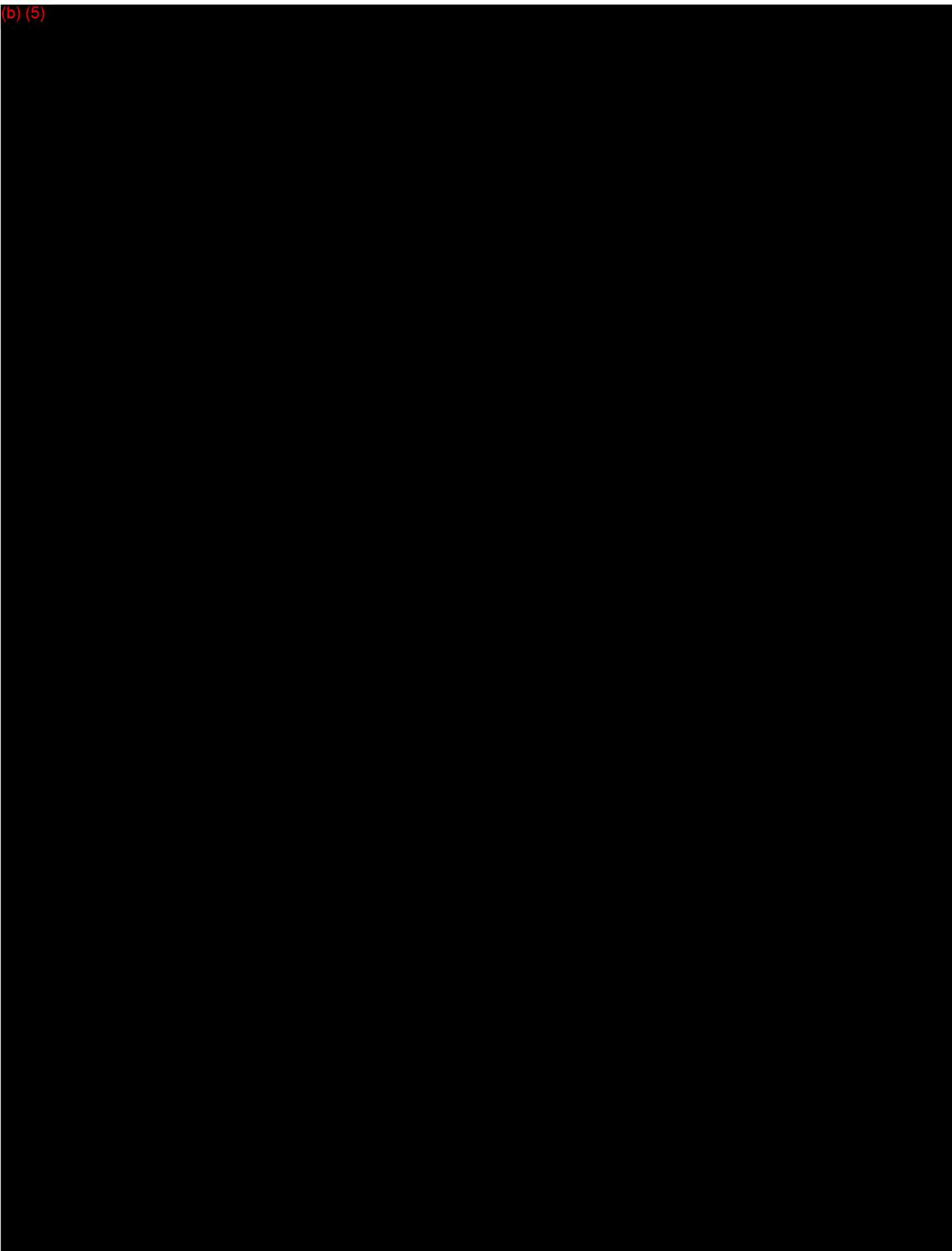
Katherine Smith  
Special Assistant  
Council on Environmental Quality  
(b) (6)

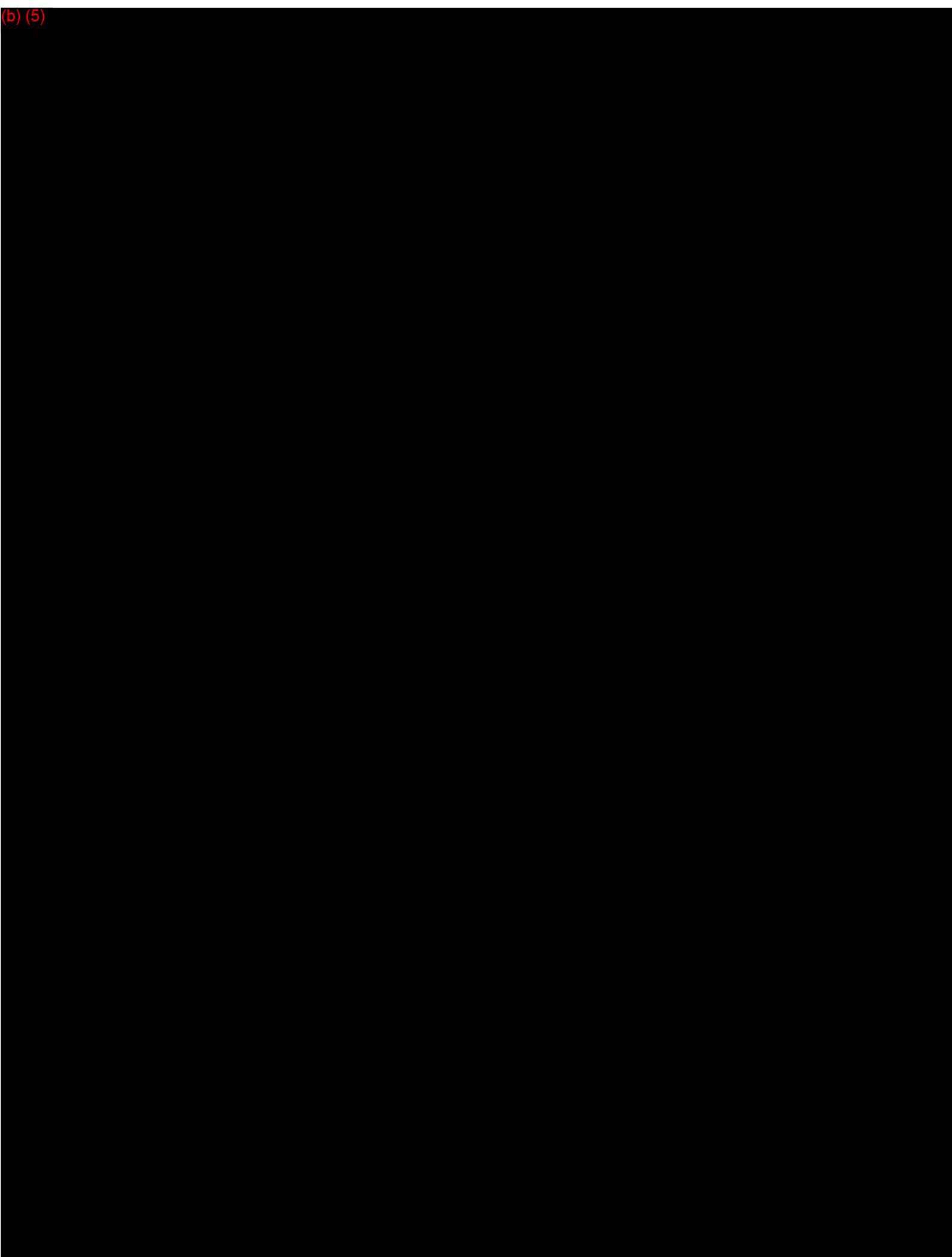


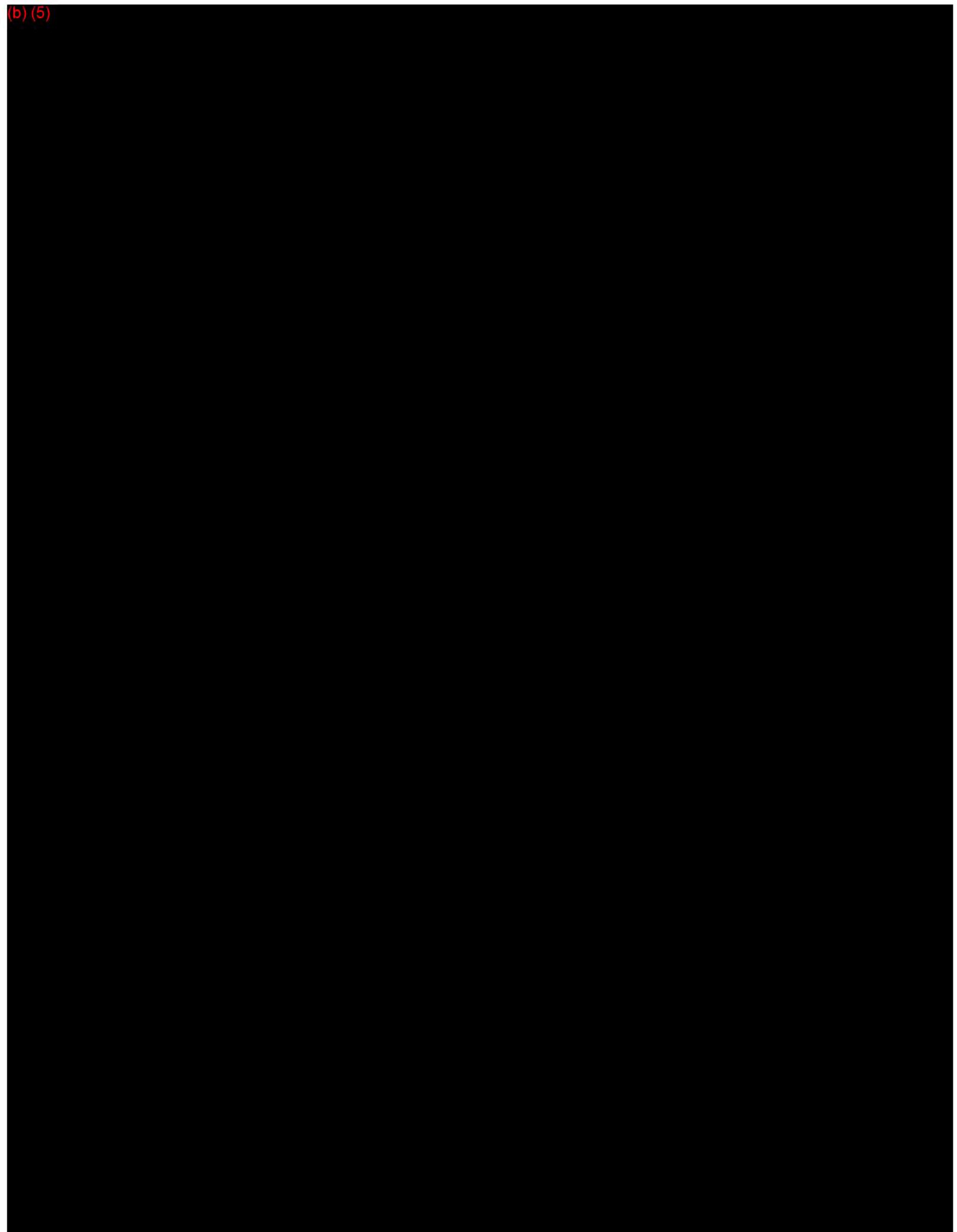


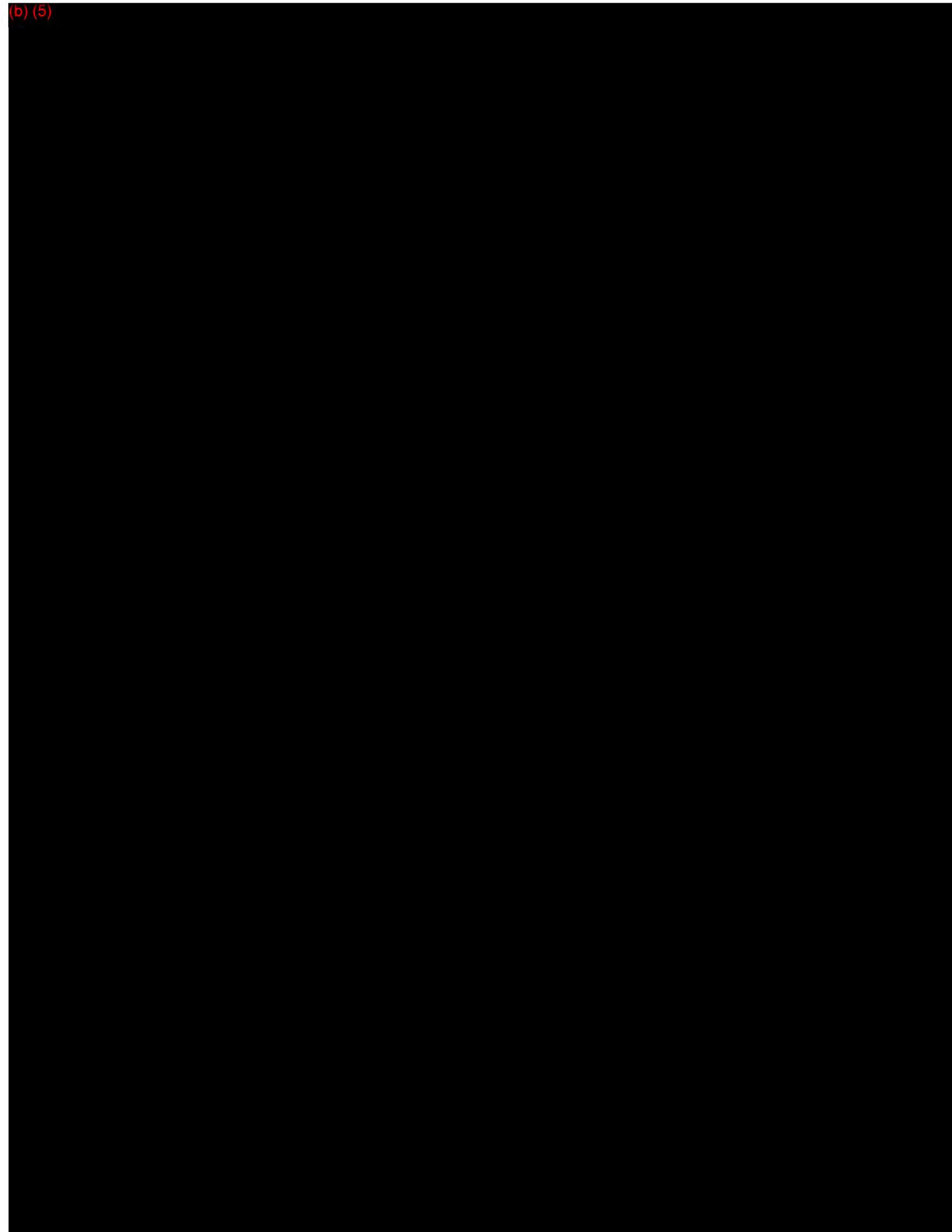
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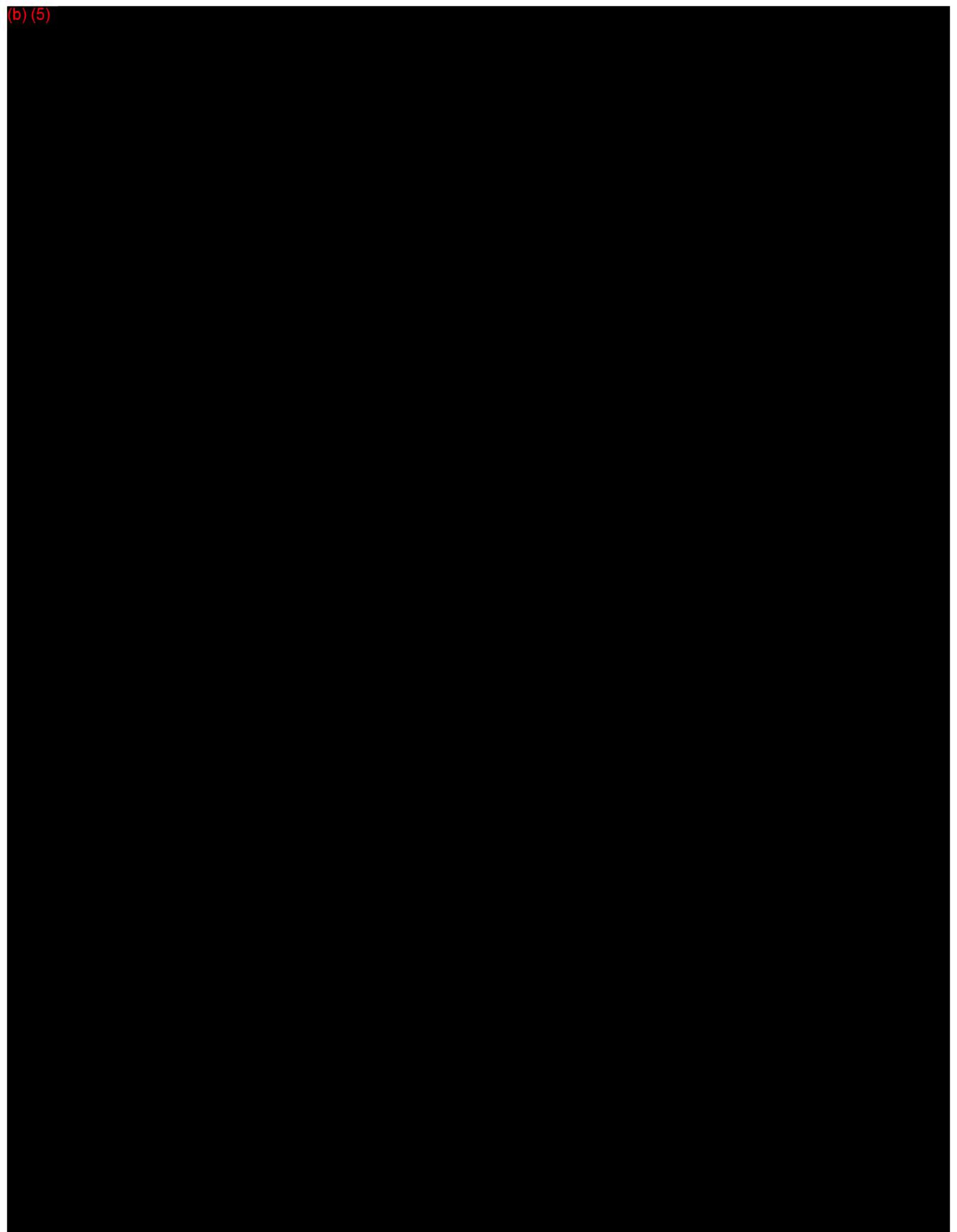


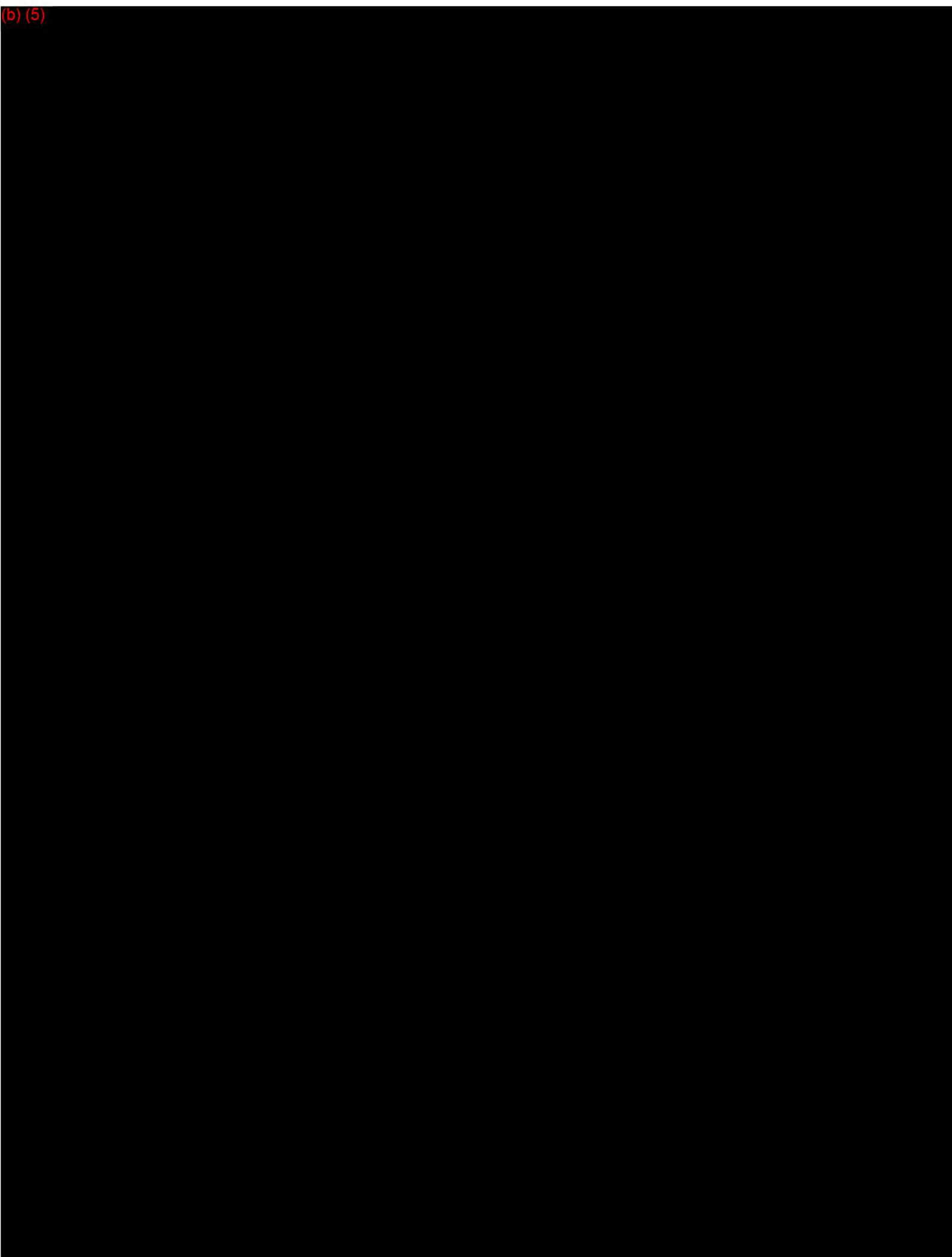


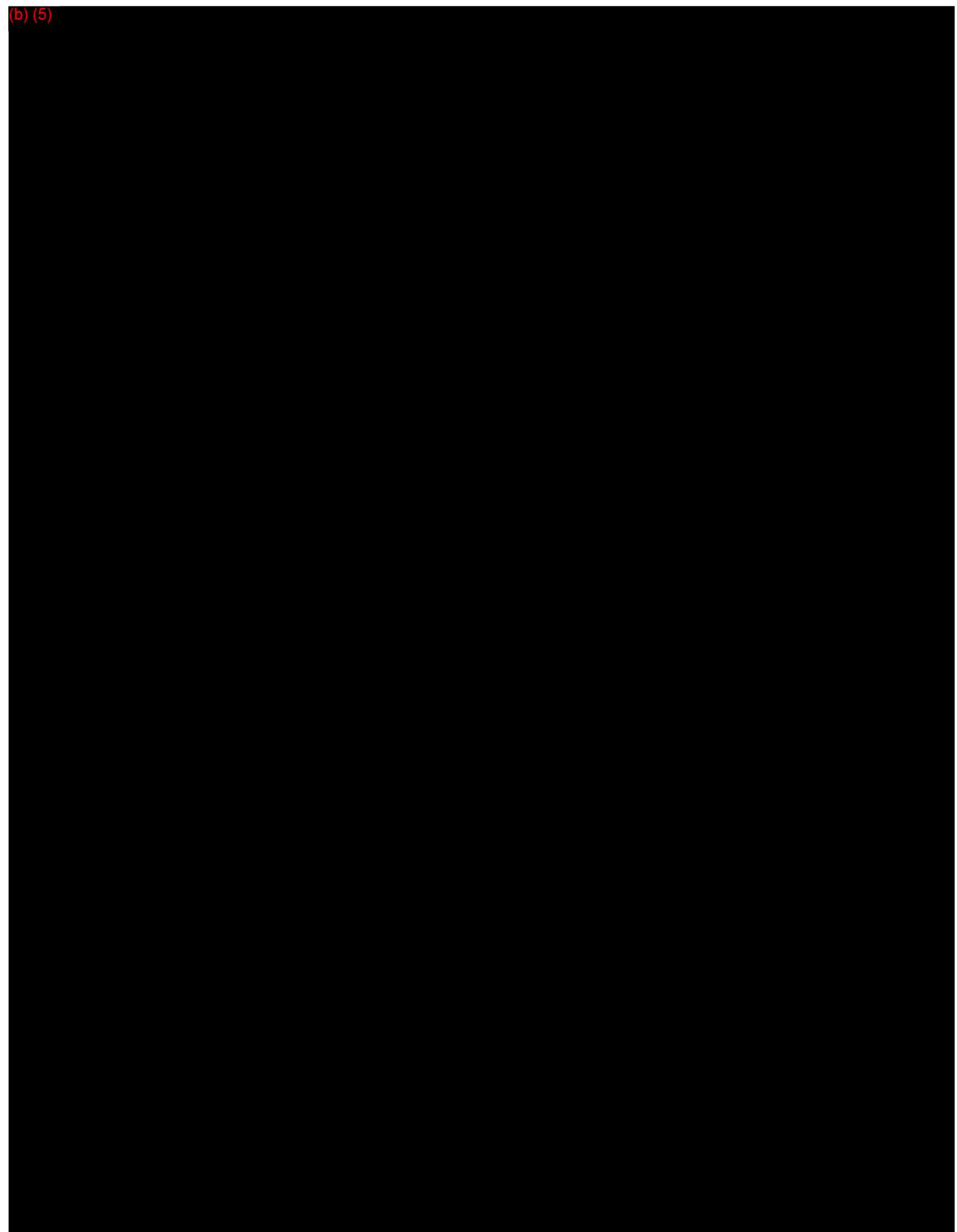




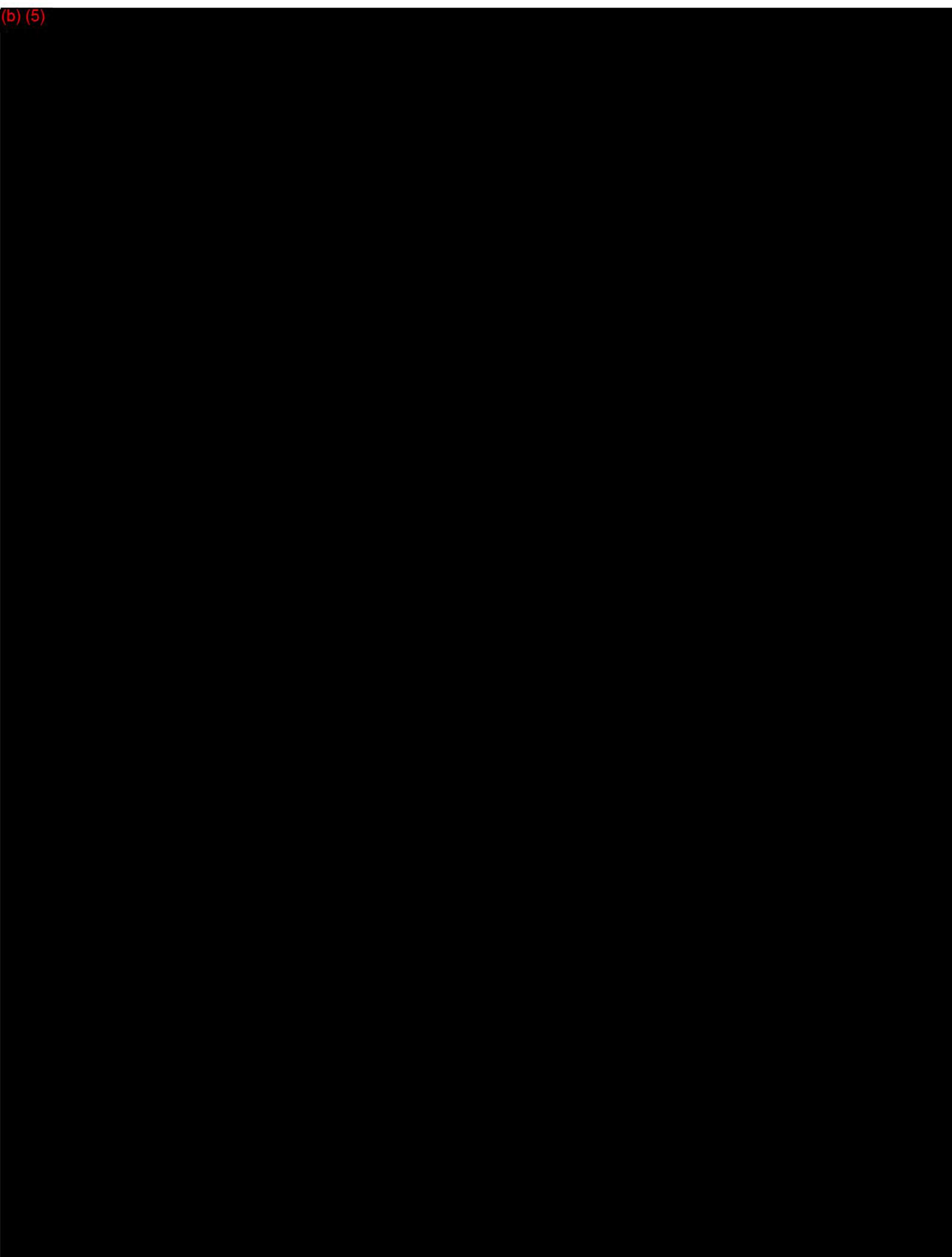


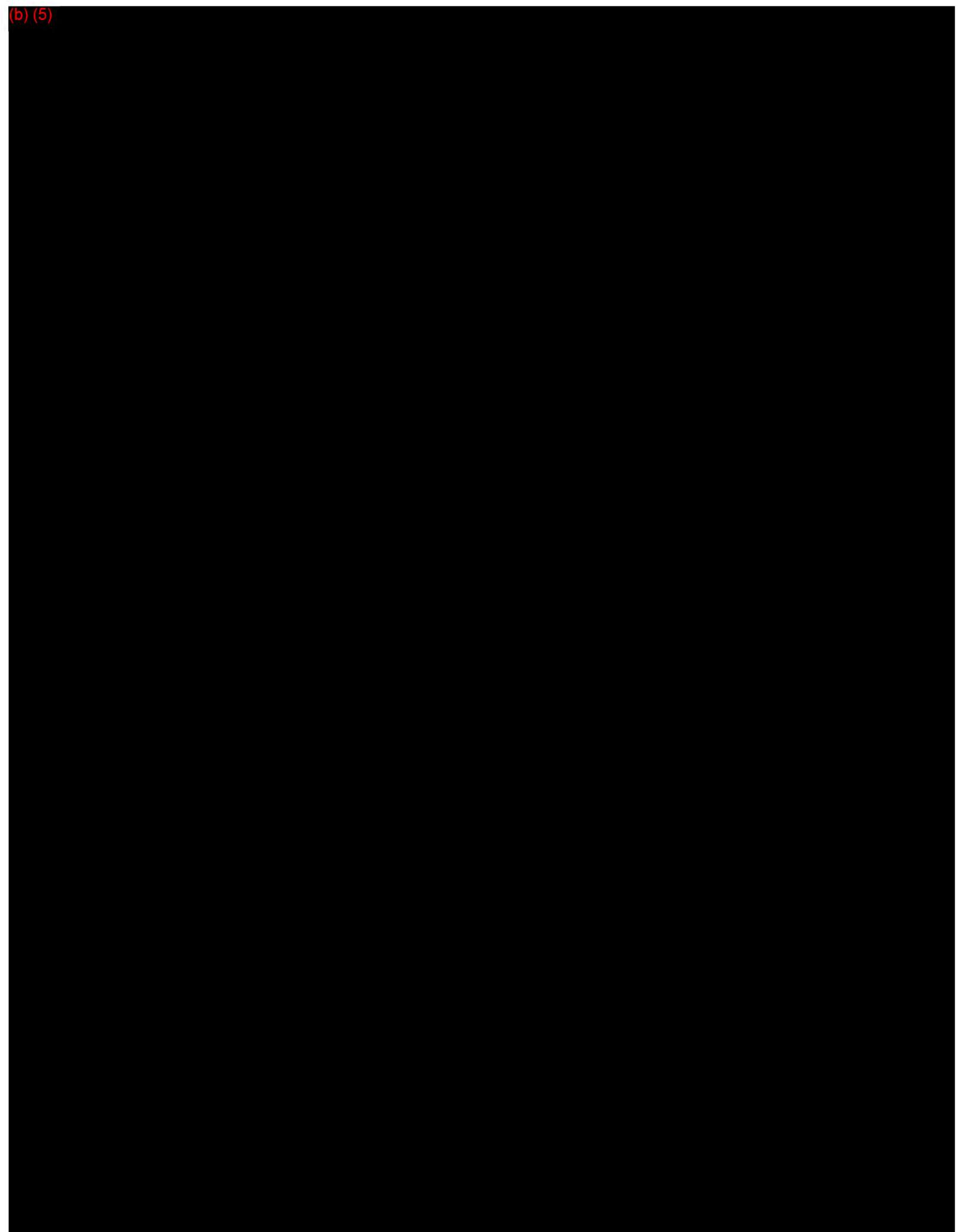




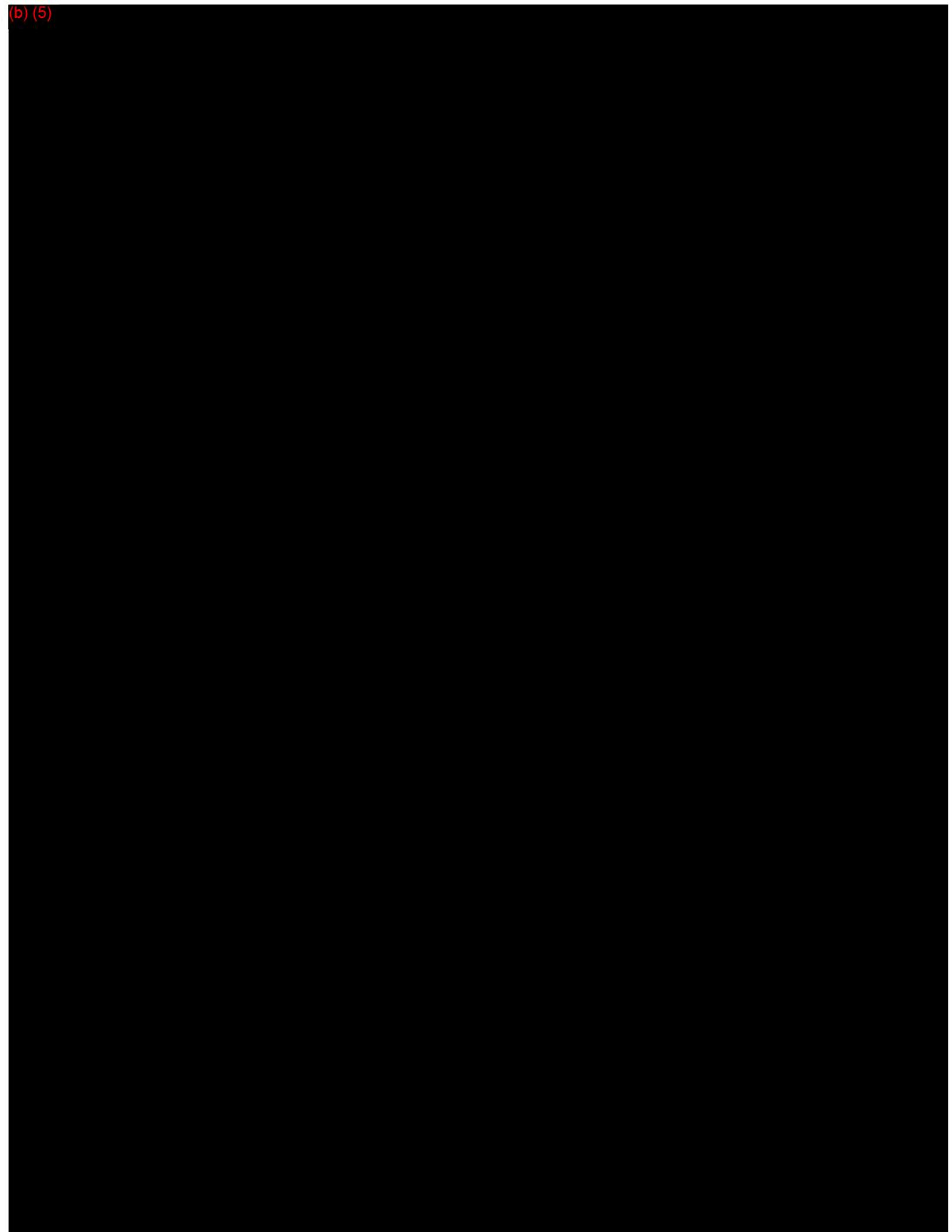


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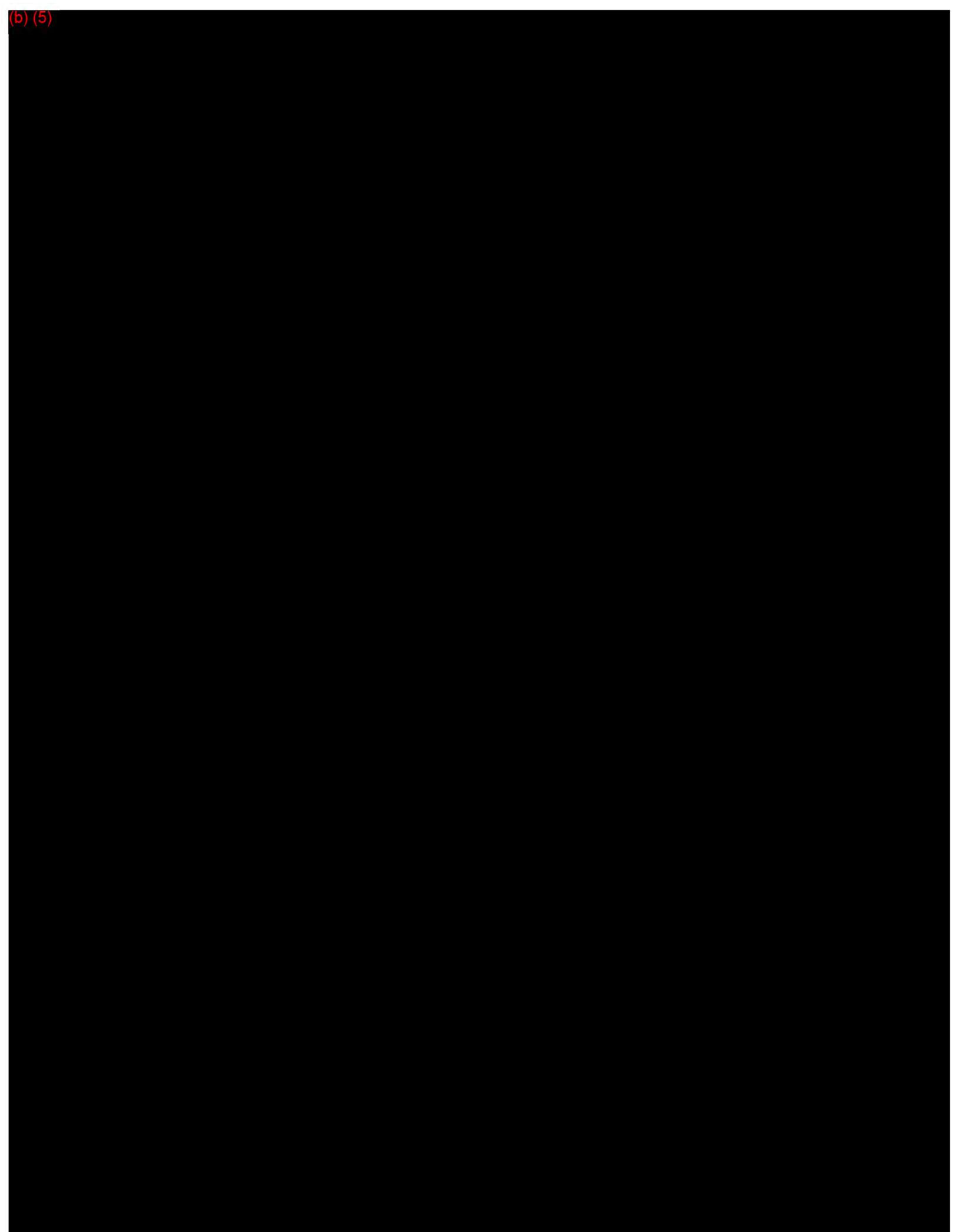




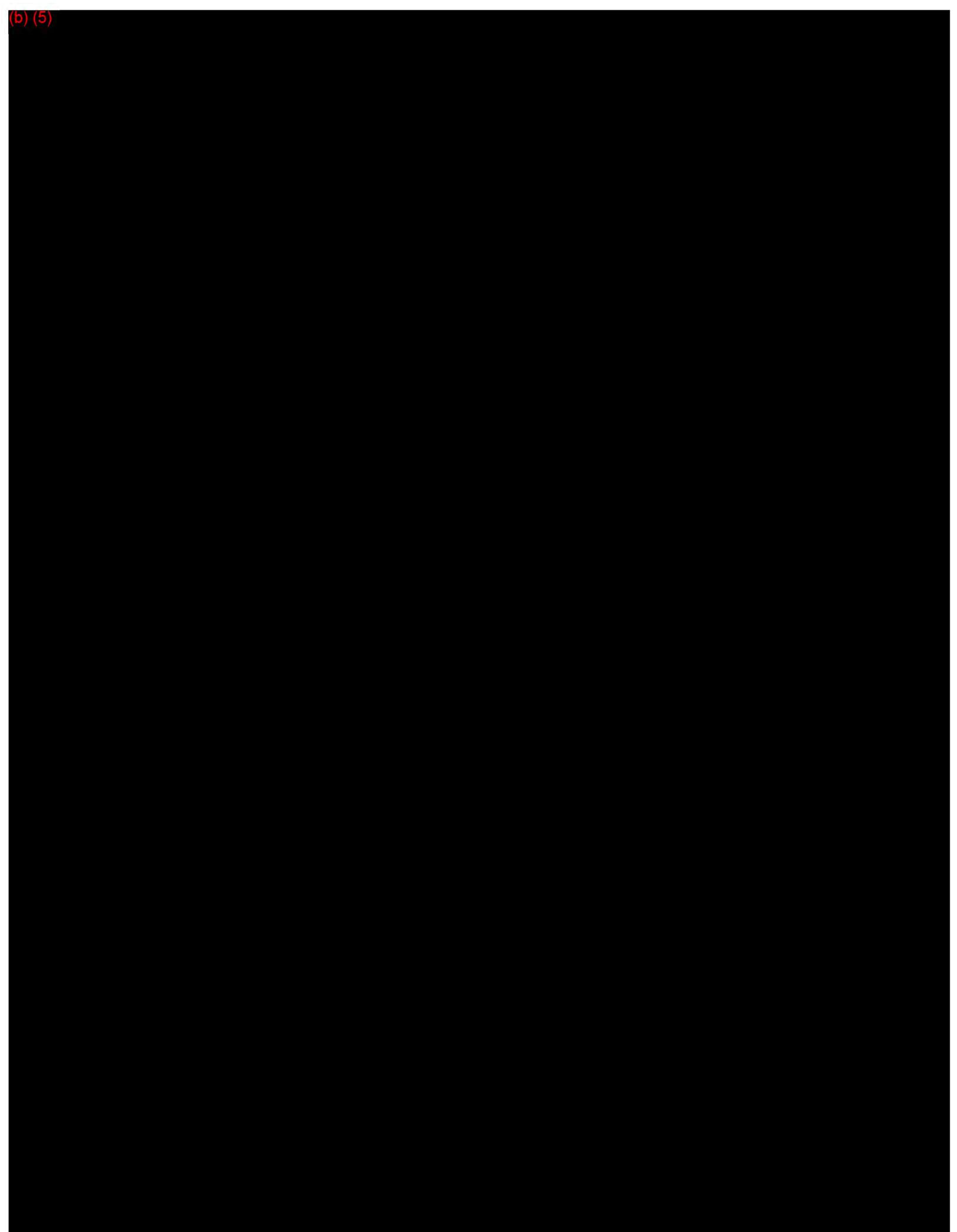
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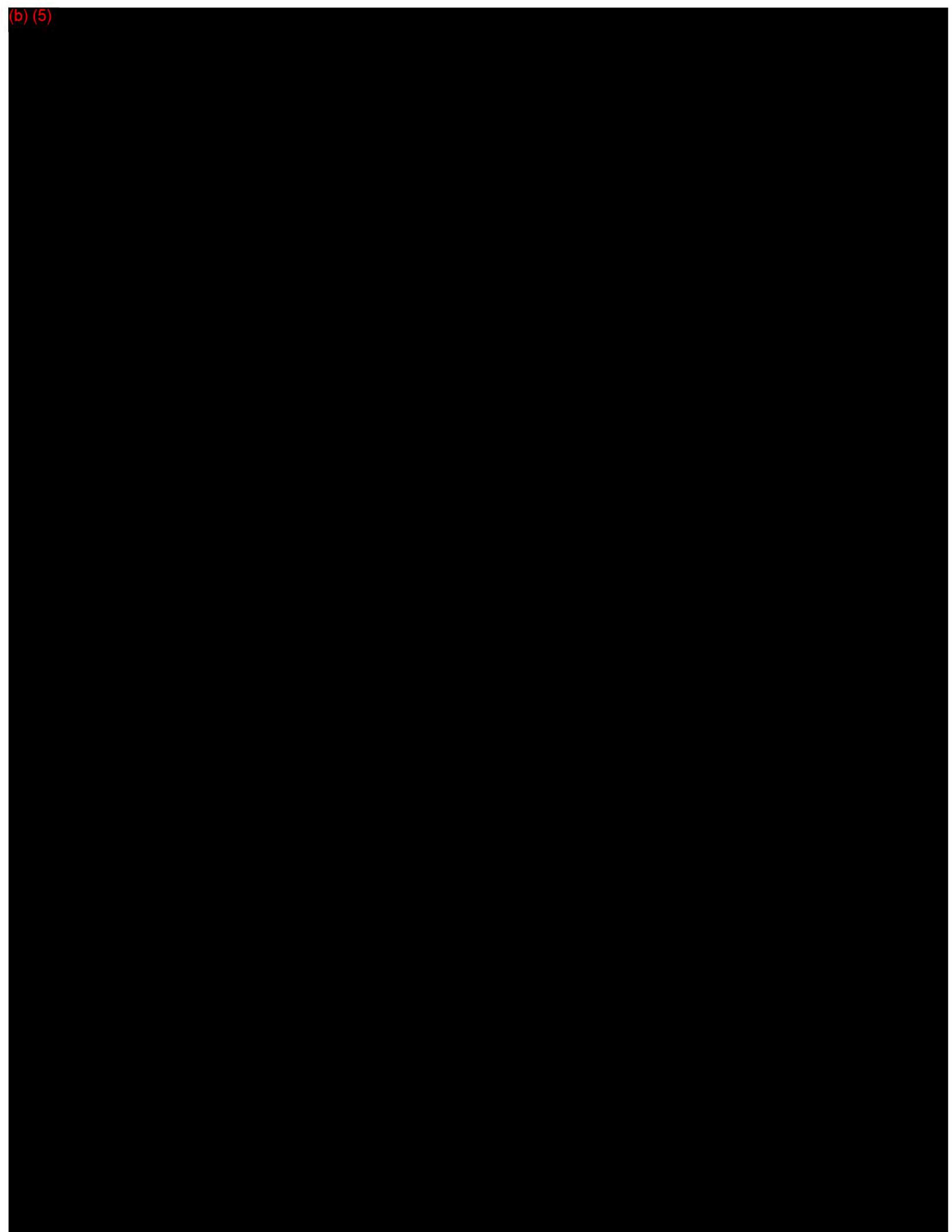
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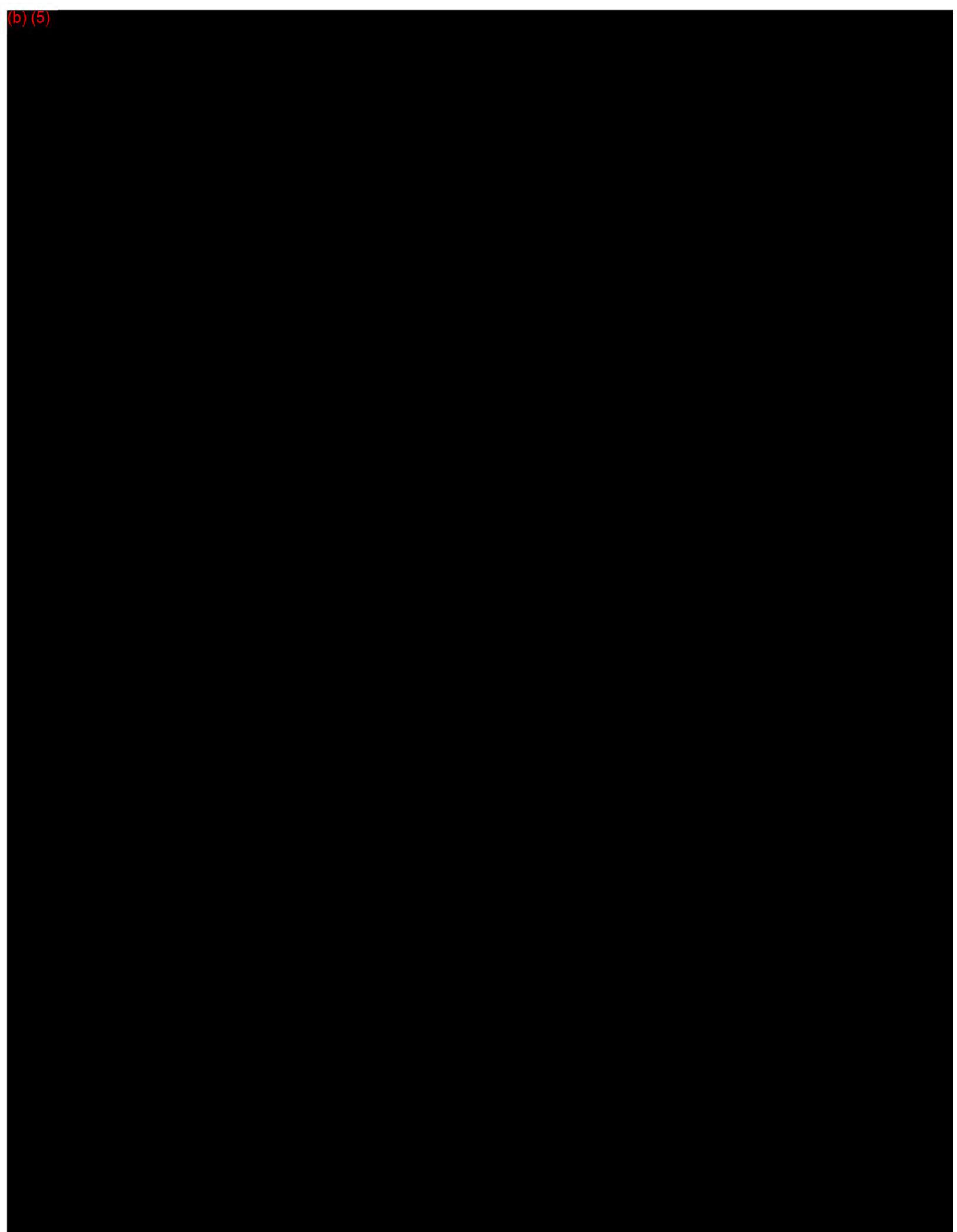
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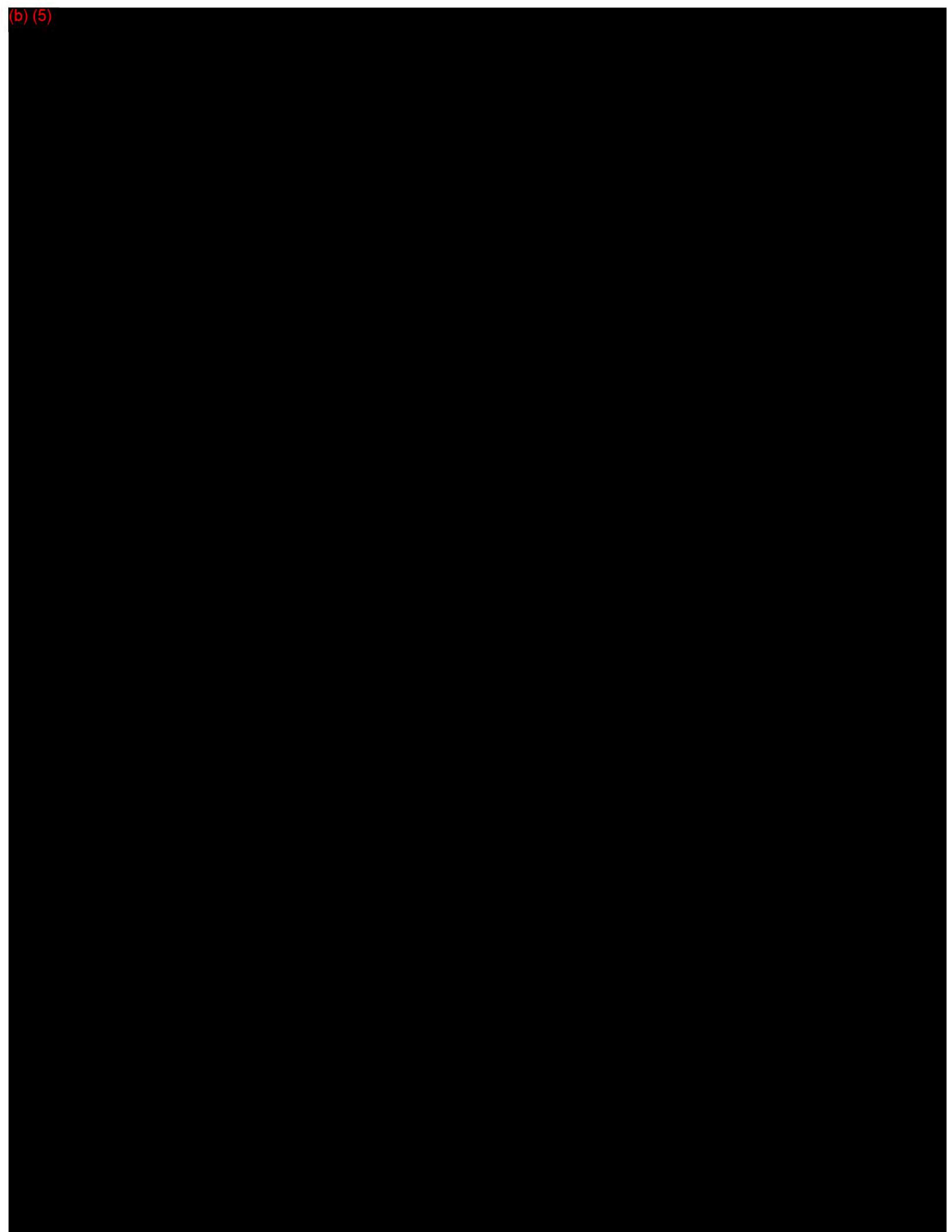
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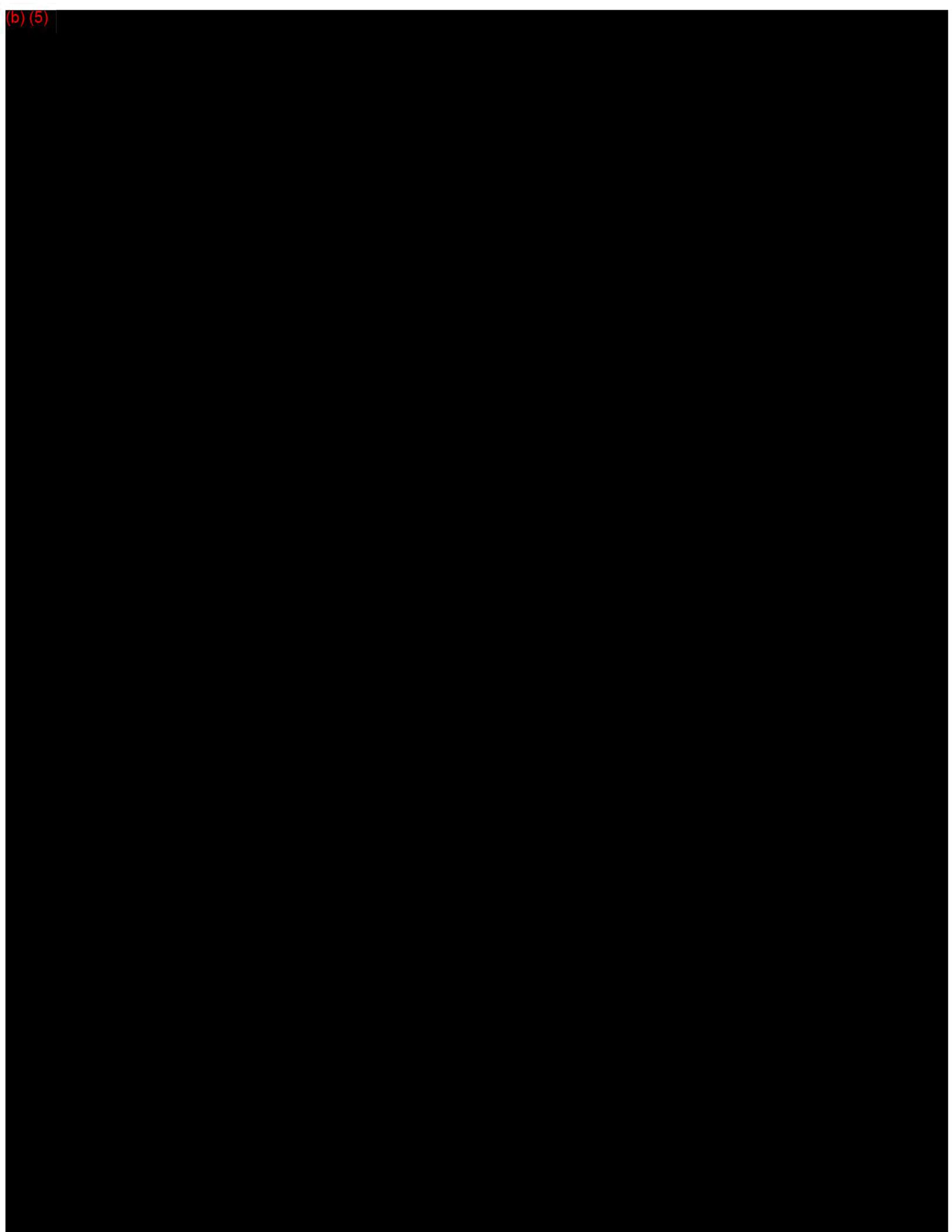
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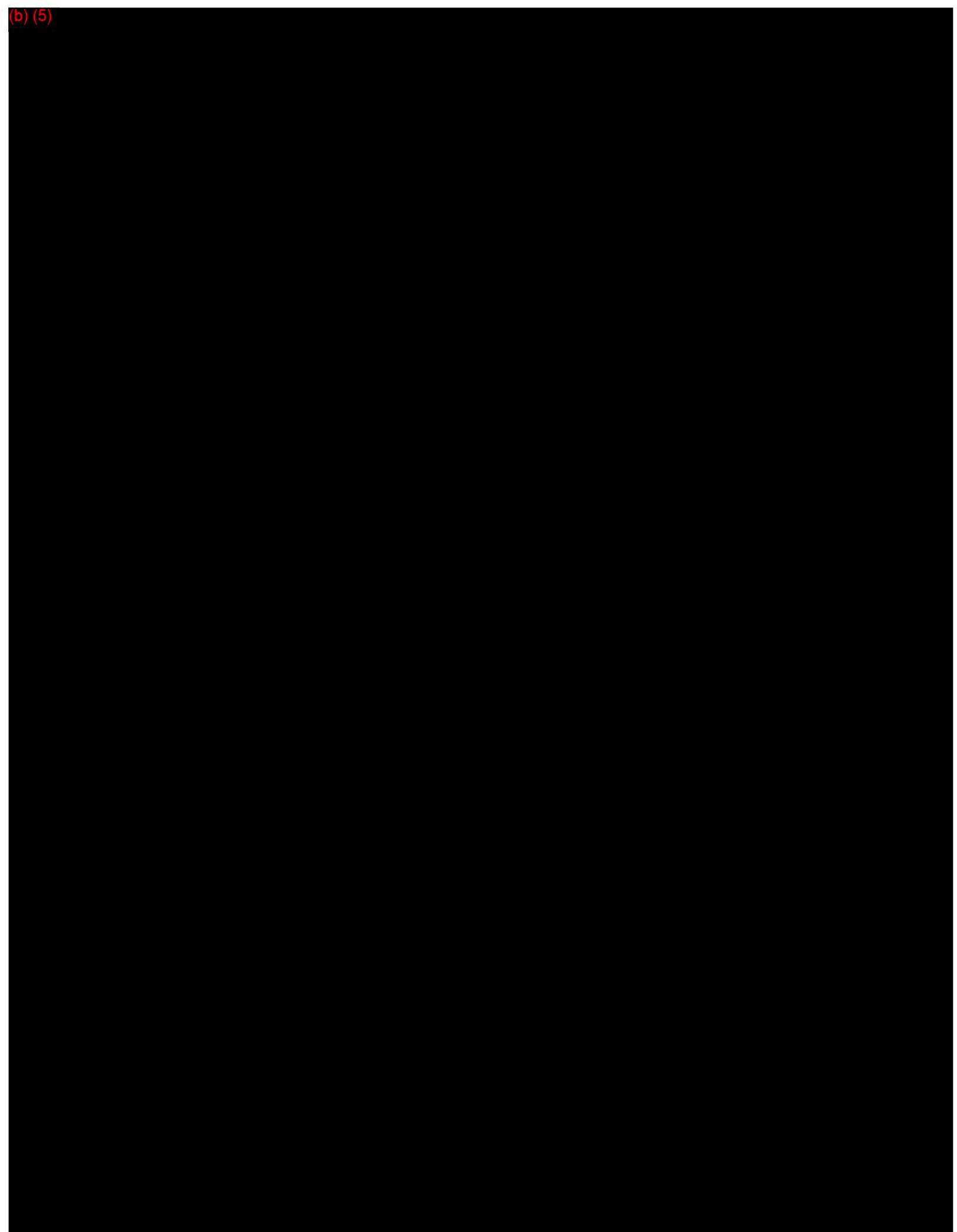
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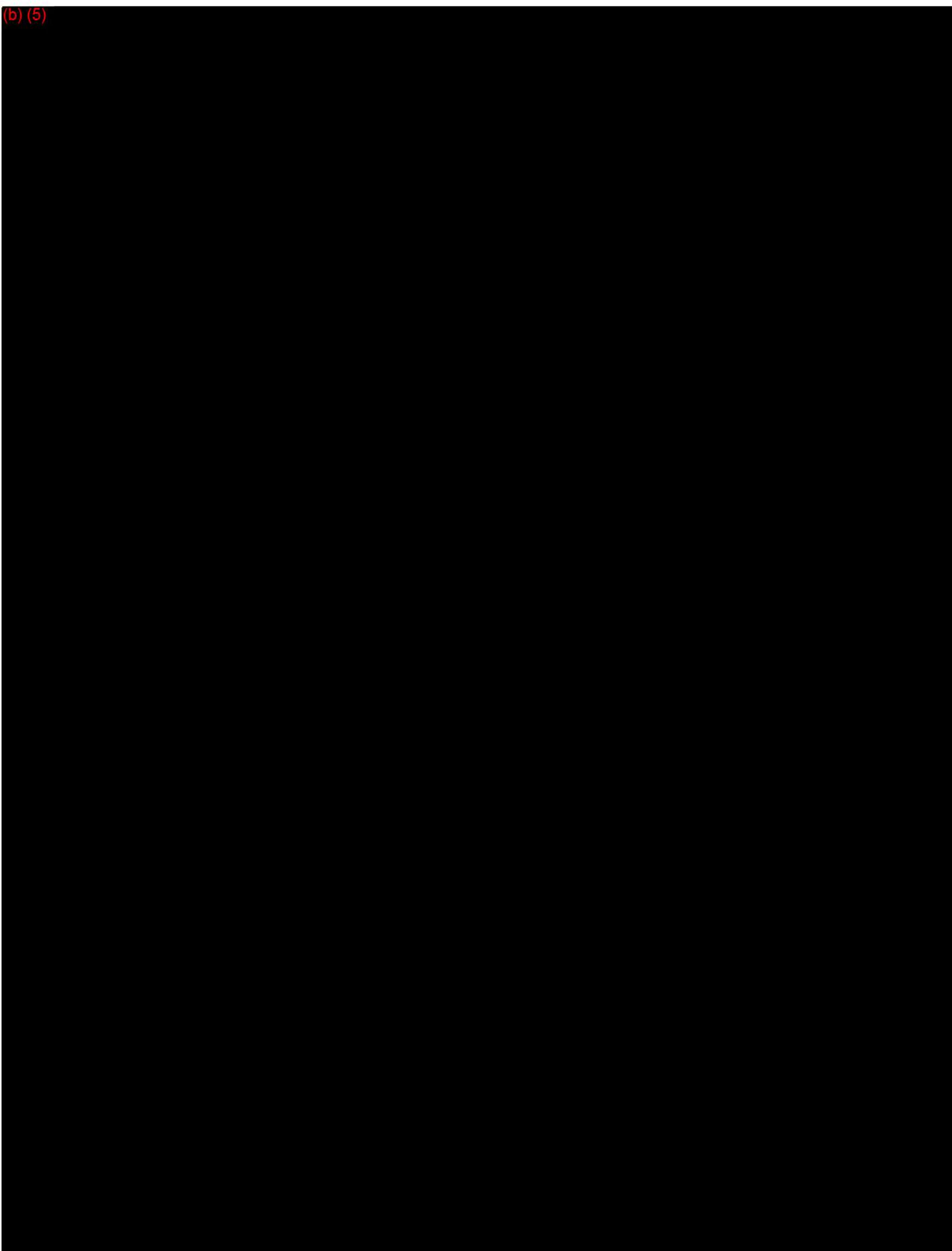
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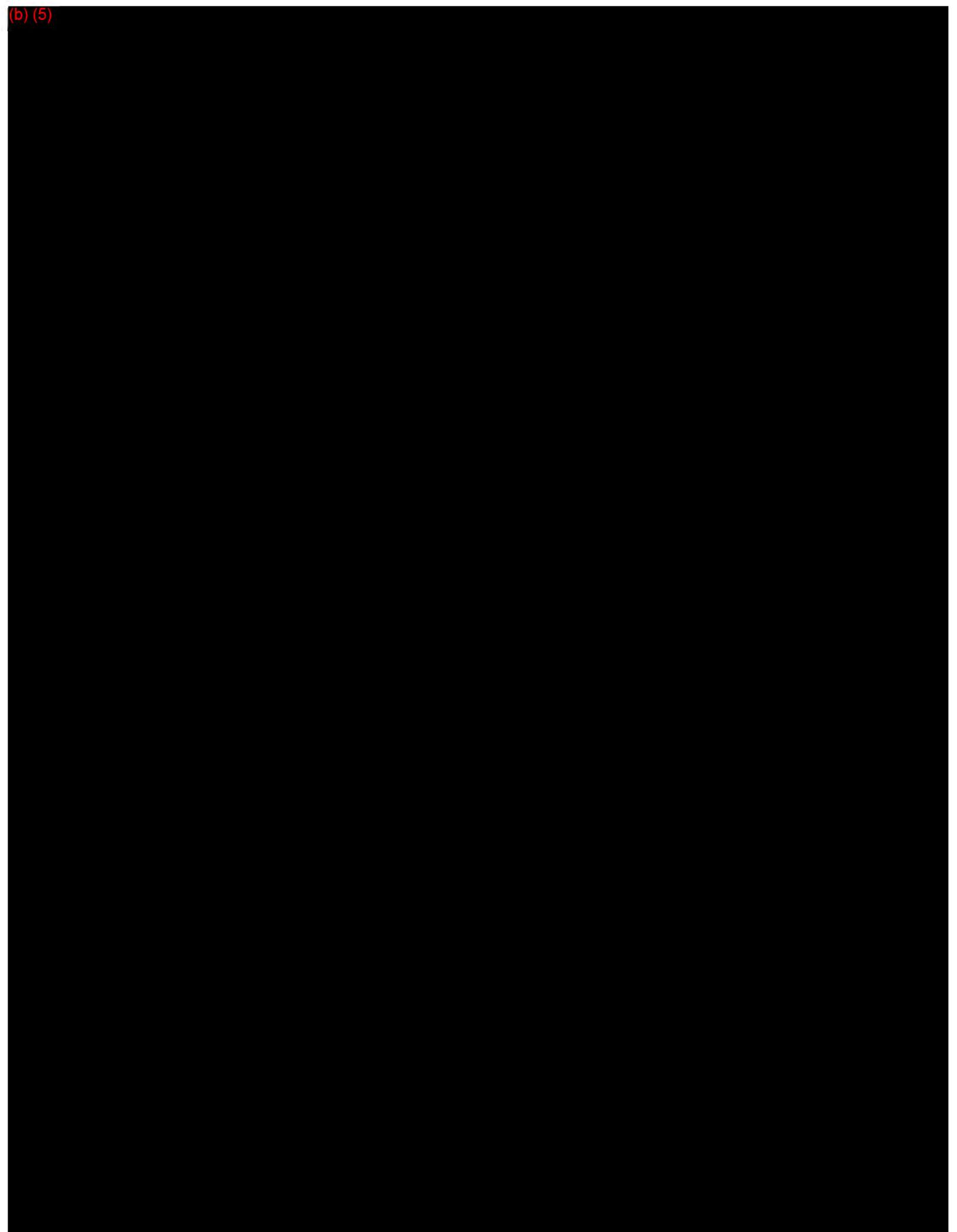


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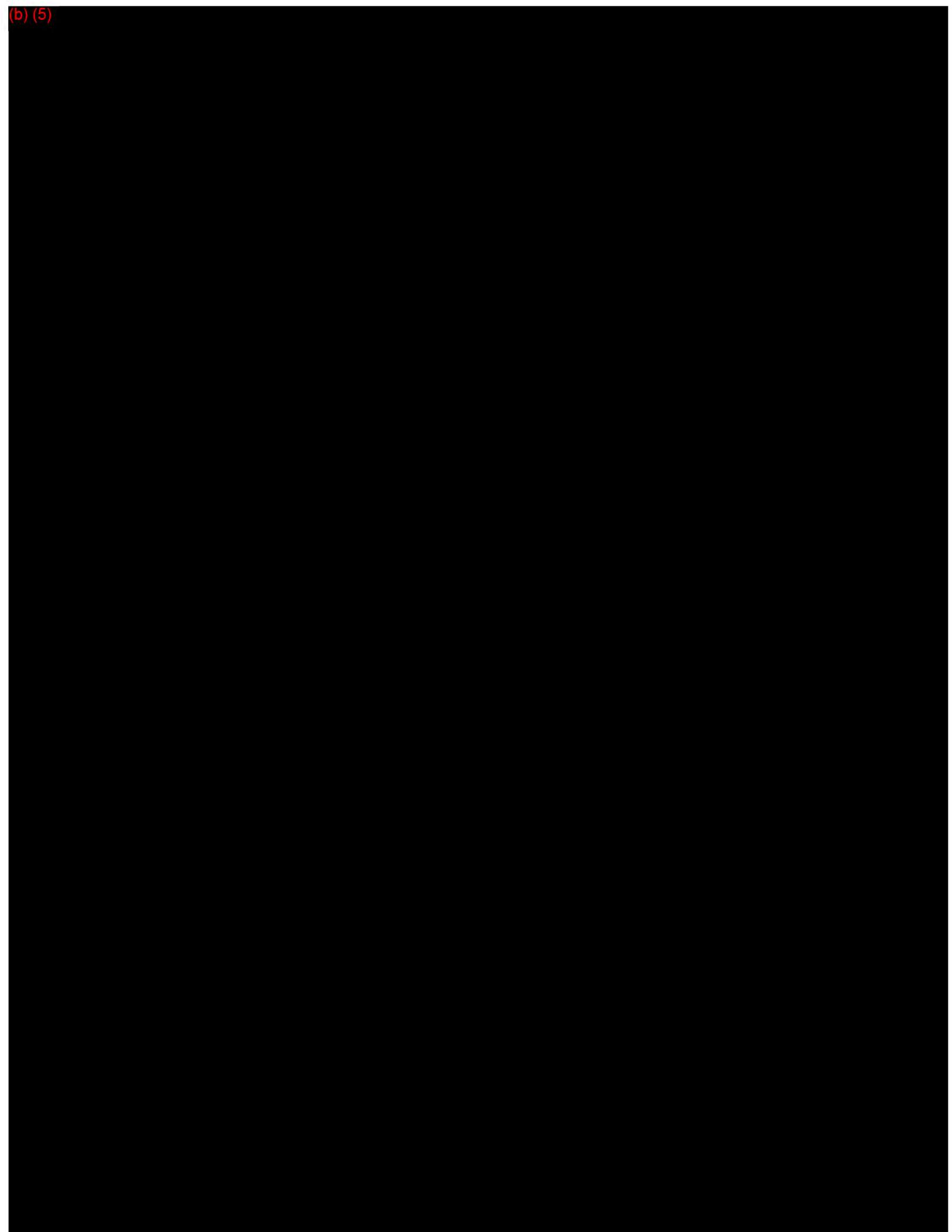


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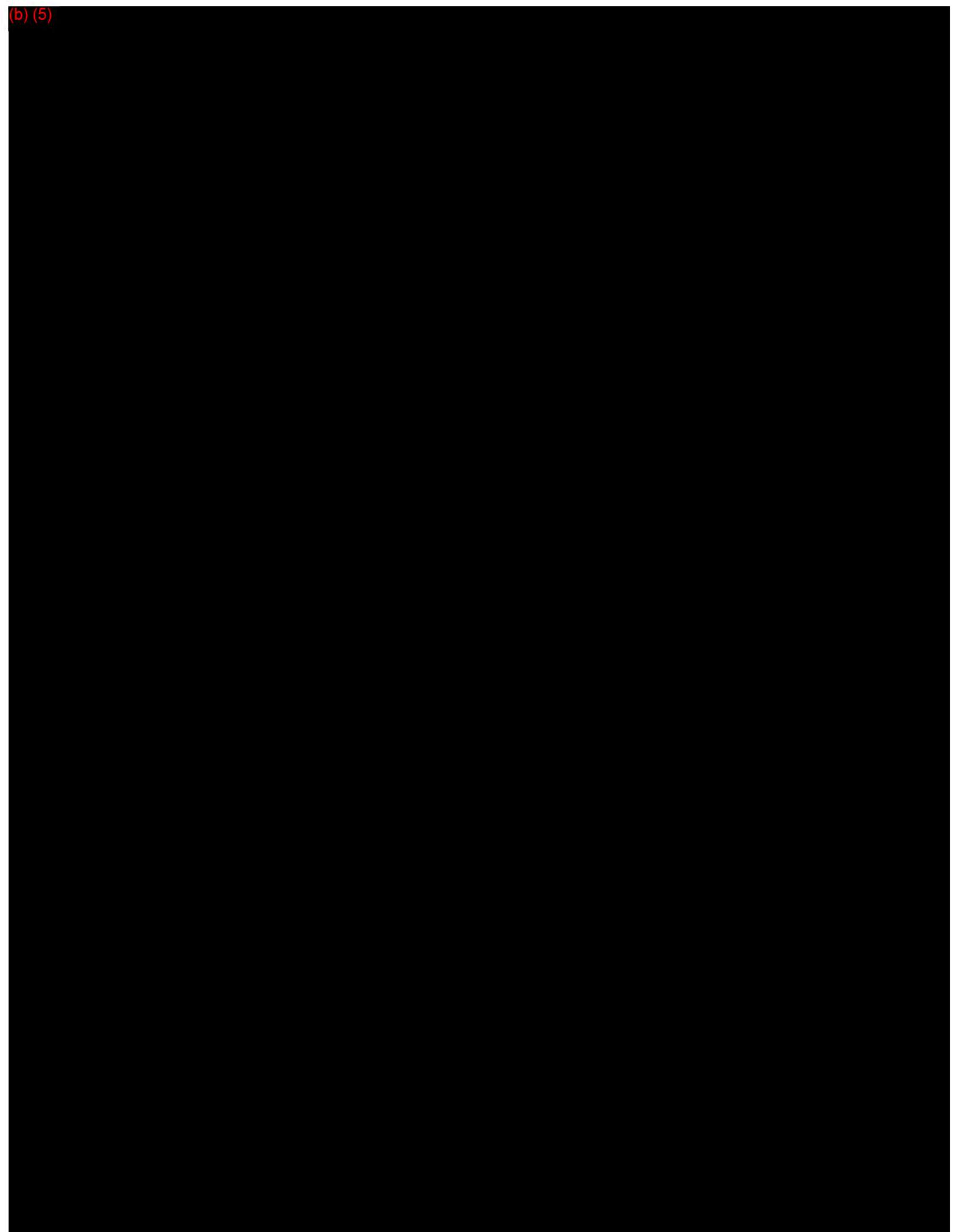




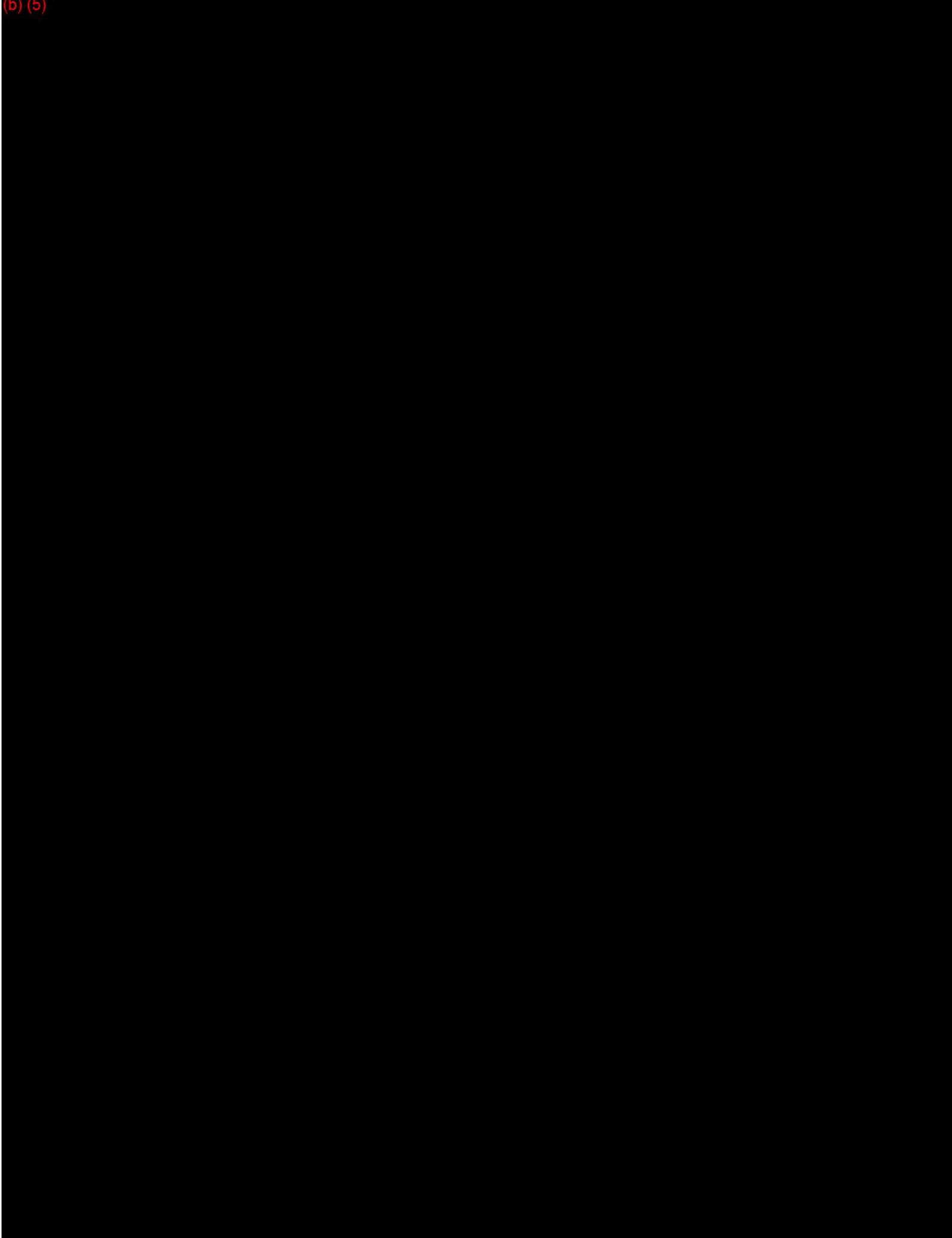
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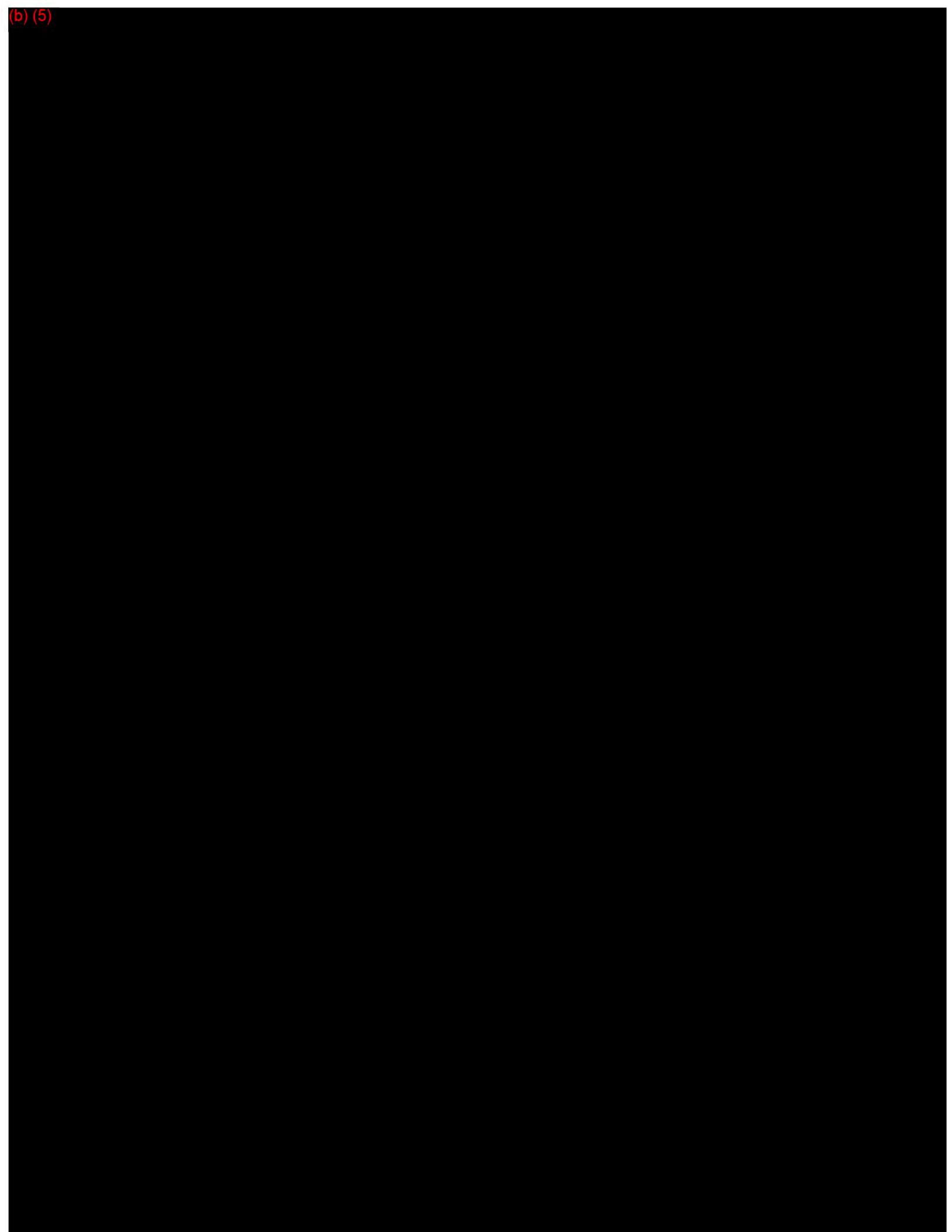


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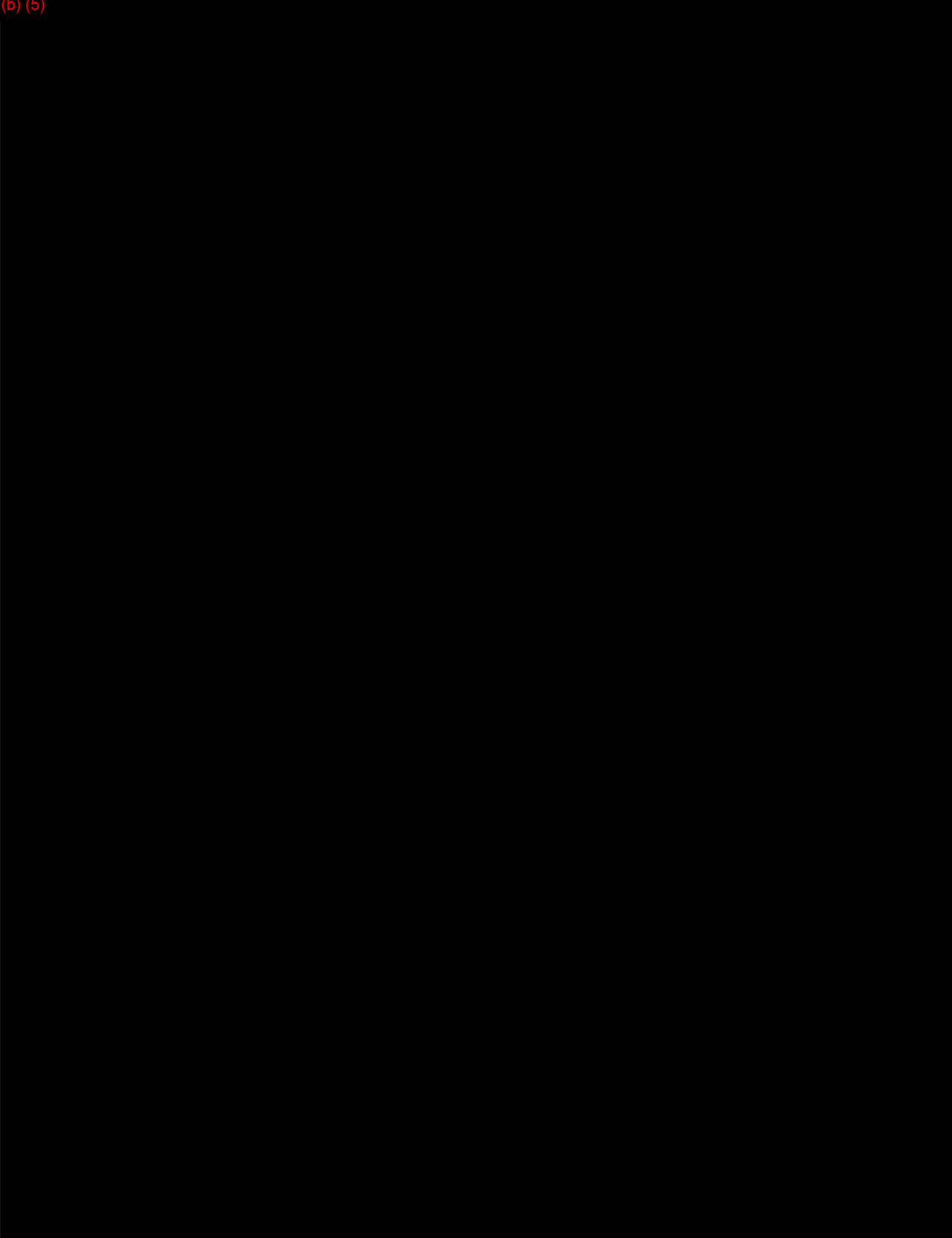


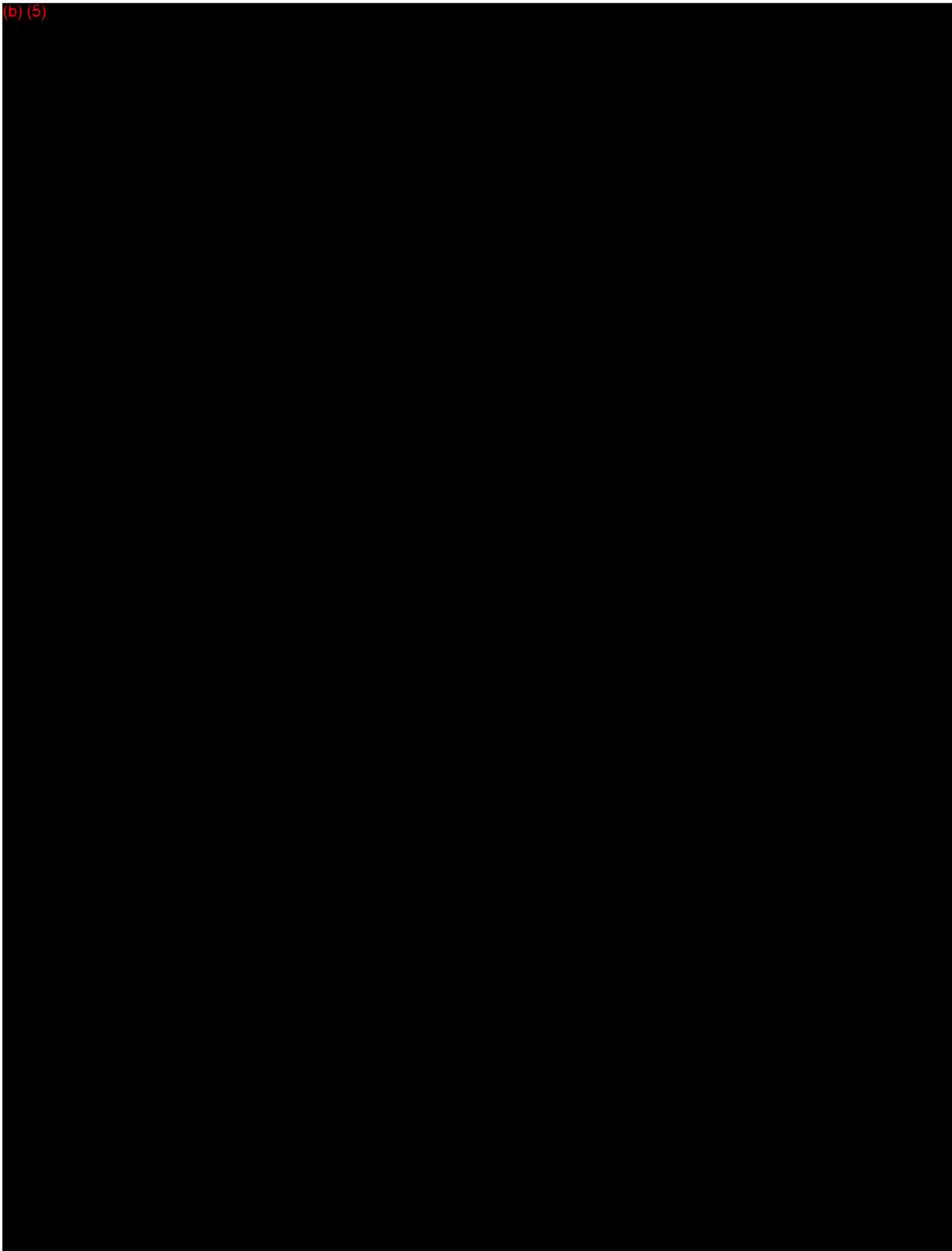
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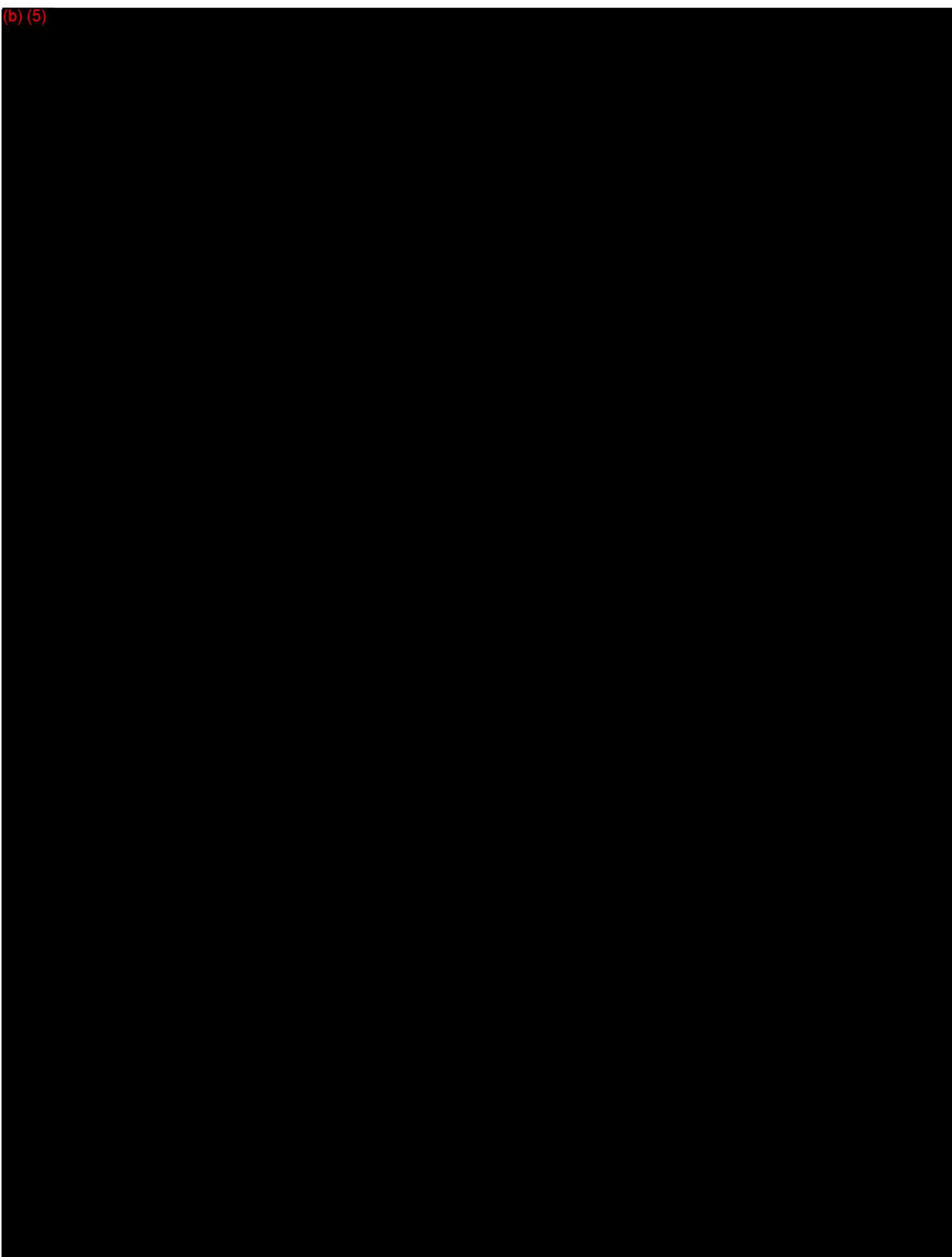


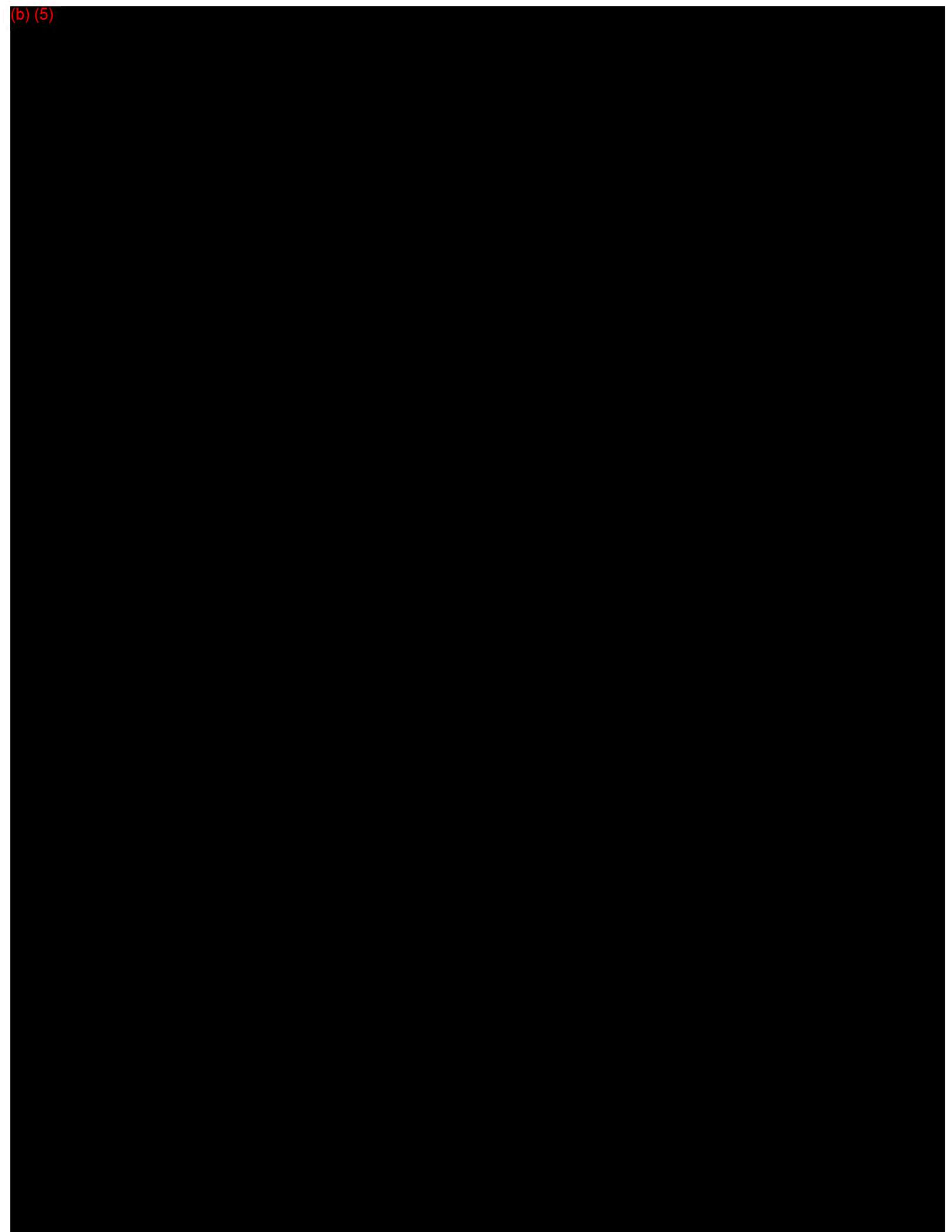


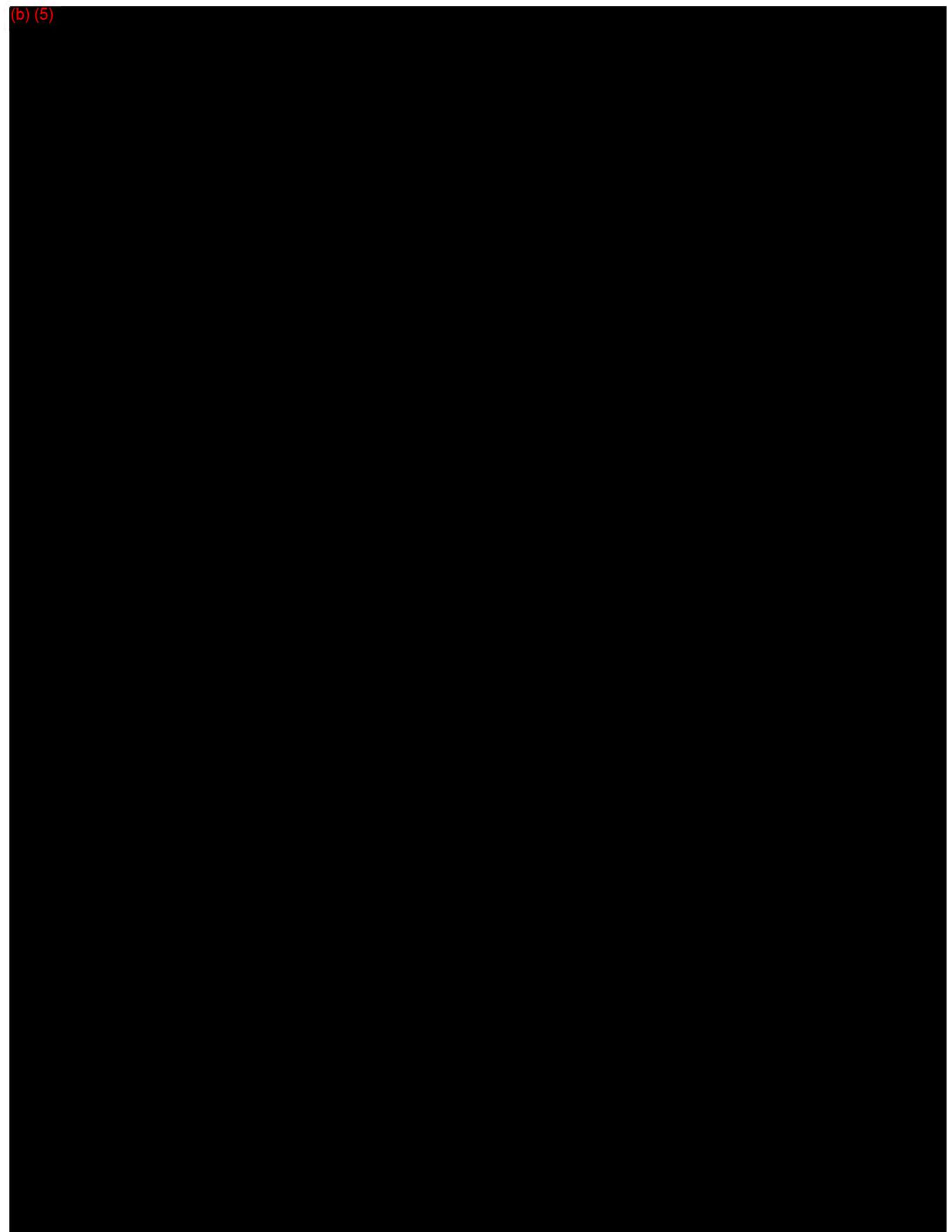
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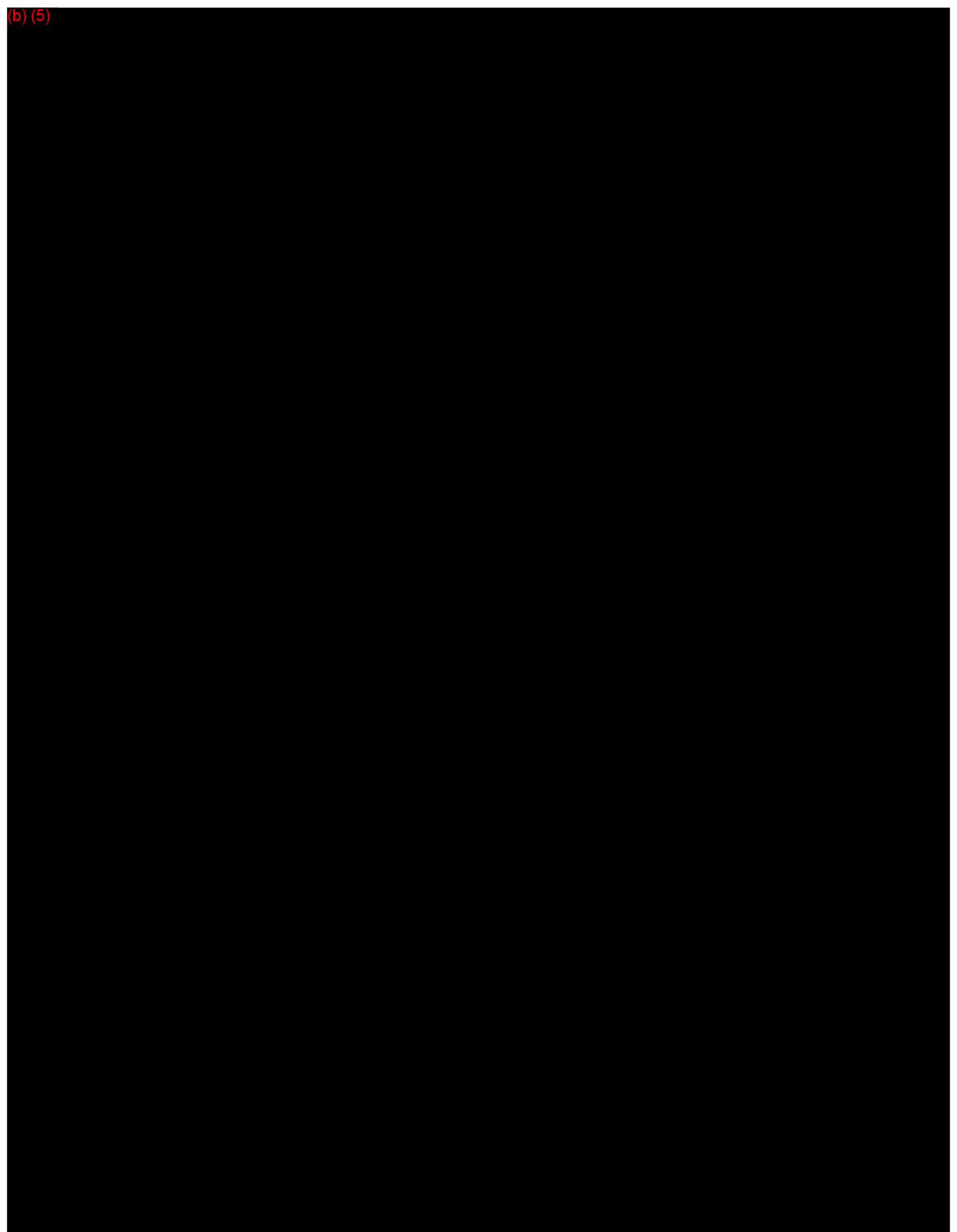












(b) (5)

## FW: Neumayr QFRs - Response Needed by noon Friday (7/27)

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**From:** "Pettigrew, Theresa L. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=579eb754b4c34f0e8e46d1fb4cd708d7-pe">  
**To:** "Leggitt, Lance B. EOP/WHO" <(b) (6)> "Collins, Rachel E. EOP/WHO" <(b) (6)>  
**Date:** Thu, 26 Jul 2018 13:03:57 -0400  
**Attachments:** All Neumayr QFRs 07.19.2018 DRAFT RESPONSES.docx (84.6 kB)

Hello, Mary asked that I send this to you as well. Please let me know if you have any comments or edits by noon tomorrow.

Thank you very much.

Sincerely,  
Theresa

**From:** Pettigrew, Theresa L. EOP/CEQ  
**Sent:** Wednesday, July 25, 2018 8:21 PM  
**To:** Lai, Joseph G. EOP/WHO <(b) (6)> Brooke, Francis J. EOP/WHO <(b) (6)> Moran, John S. EOP/WHO <(b) (6)>  
**Cc:** Smith, Katherine R. EOP/CEQ <(b) (6)>  
**Subject:** Neumayr QFRs - Response Needed by noon Friday (7/27)

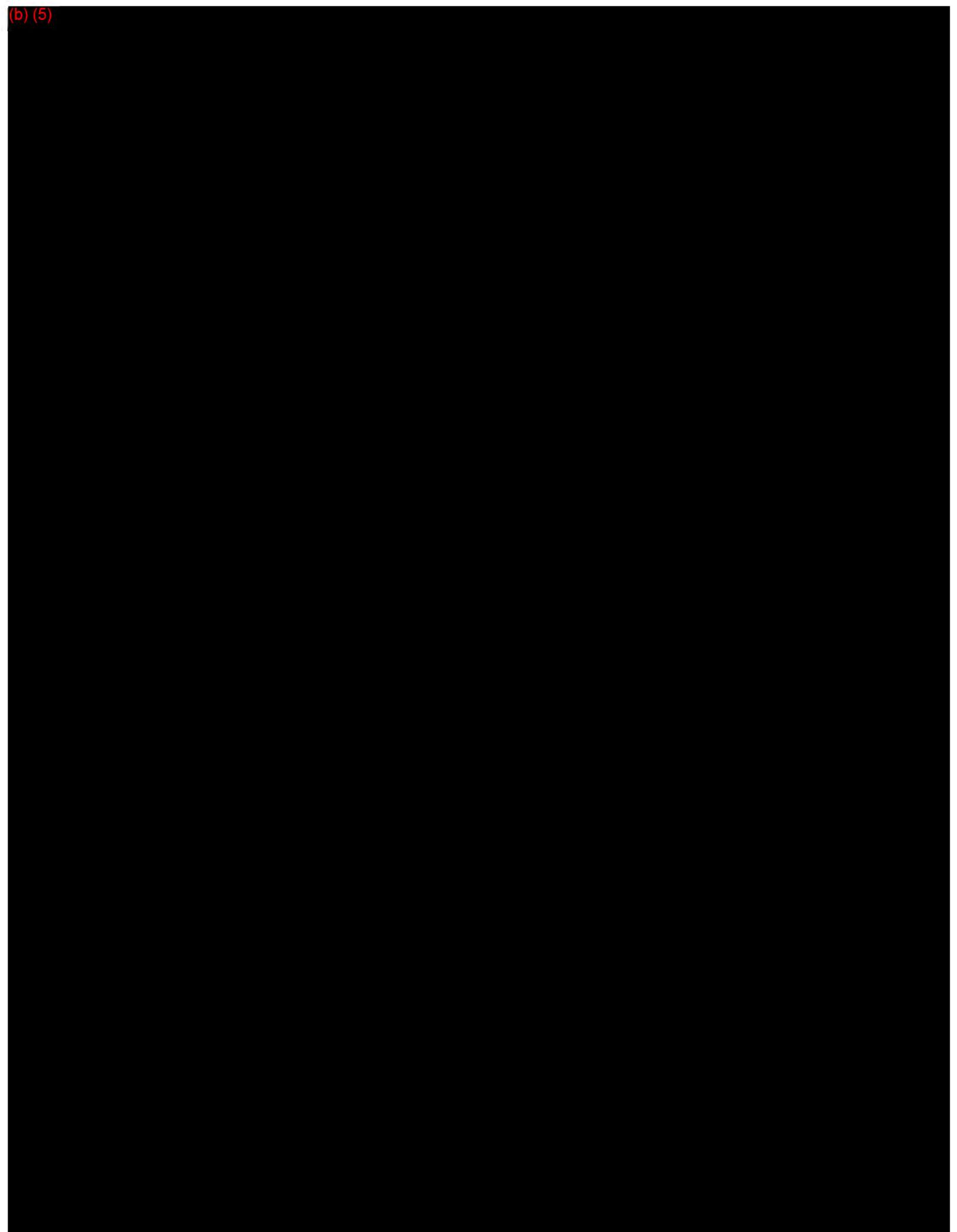
Hello,

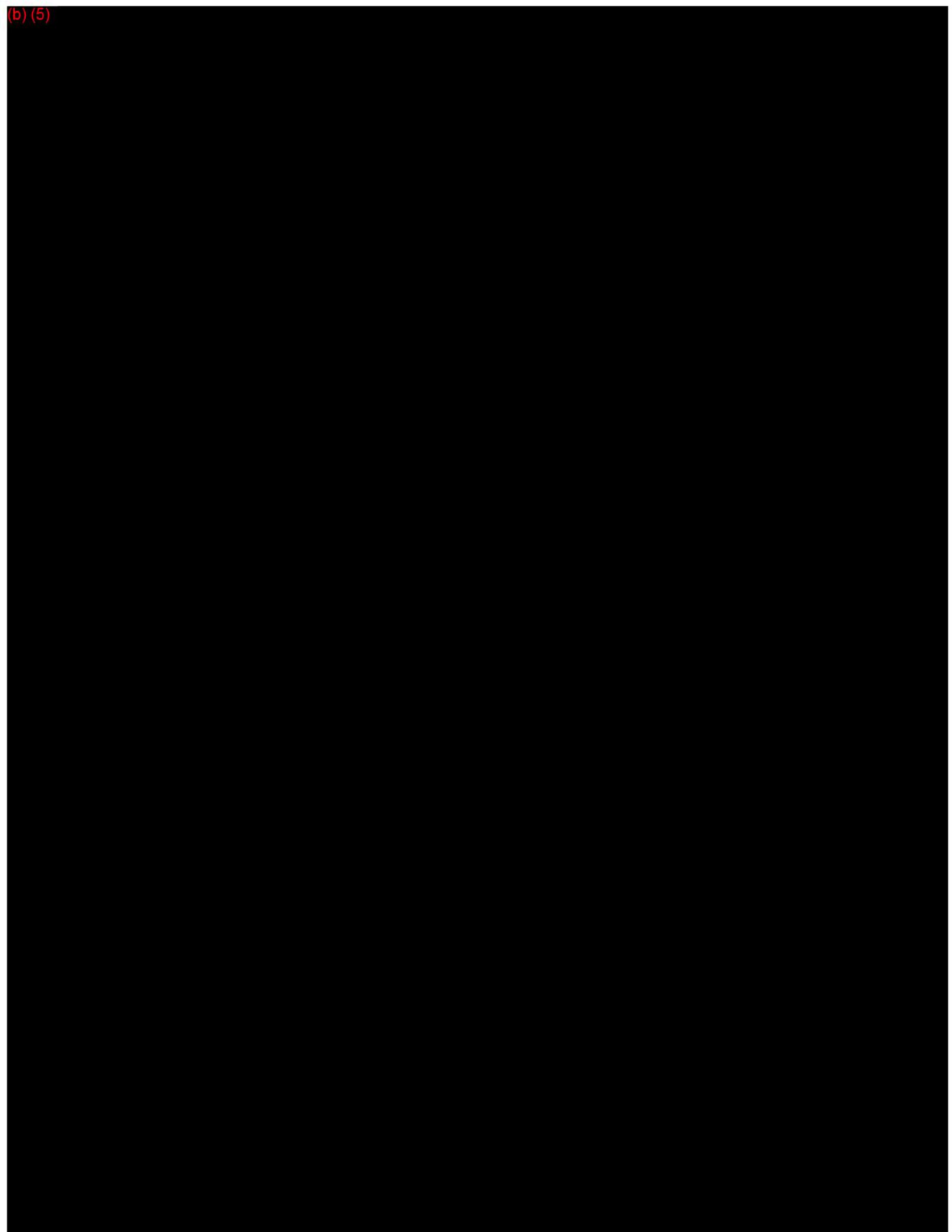
Attached please find draft responses to Questions for the Record asked by Members of the Senate Environment and Public Works Committee. Please review and submit any comments or edits you may have by this Friday (7/27) at Noon.

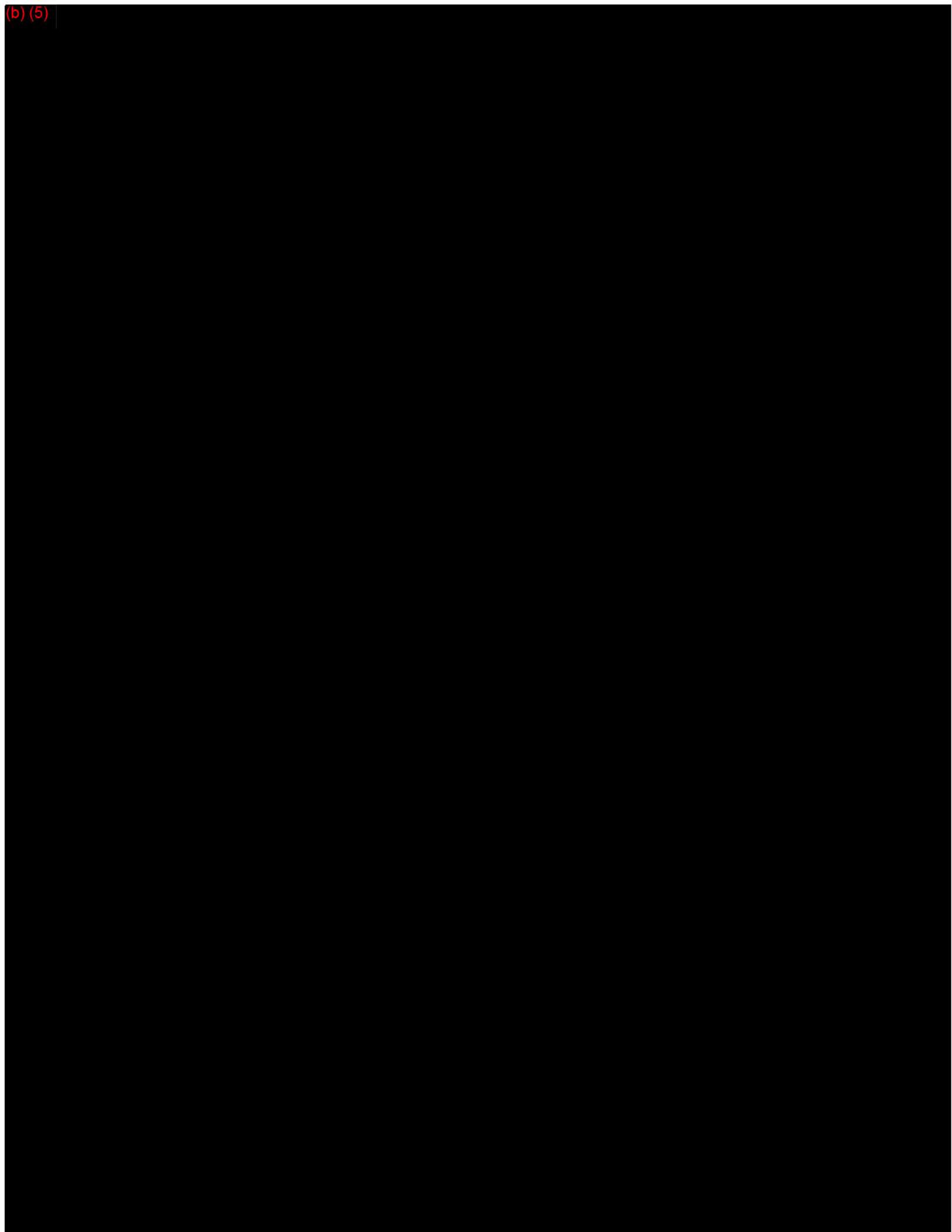
Thank you very much for your assistance.

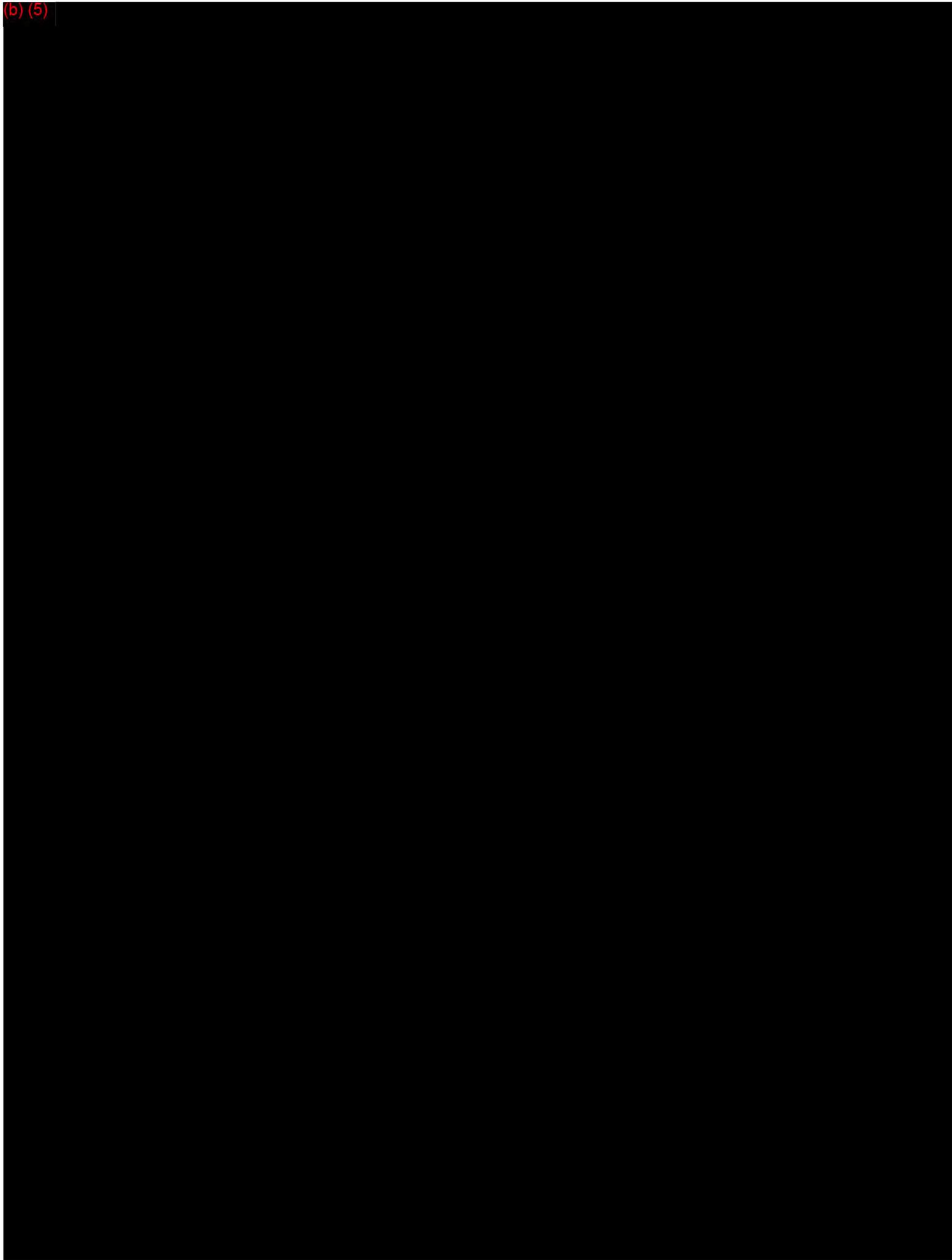
Sincerely,  
Theresa

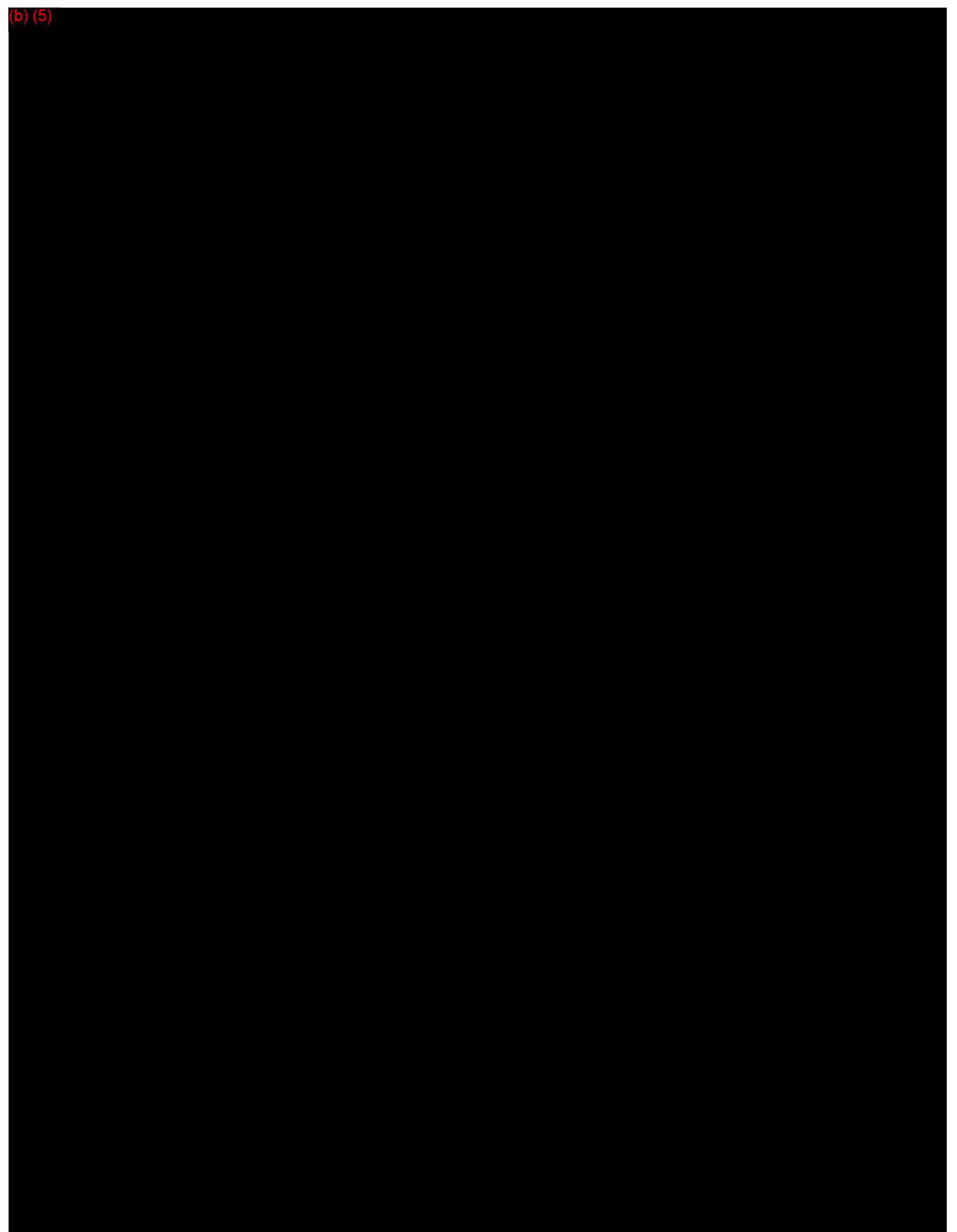
Theresa L. Pettigrew  
Associate Director for Legislative Affairs  
Council on Environmental Quality  
(b) (6) (direct)



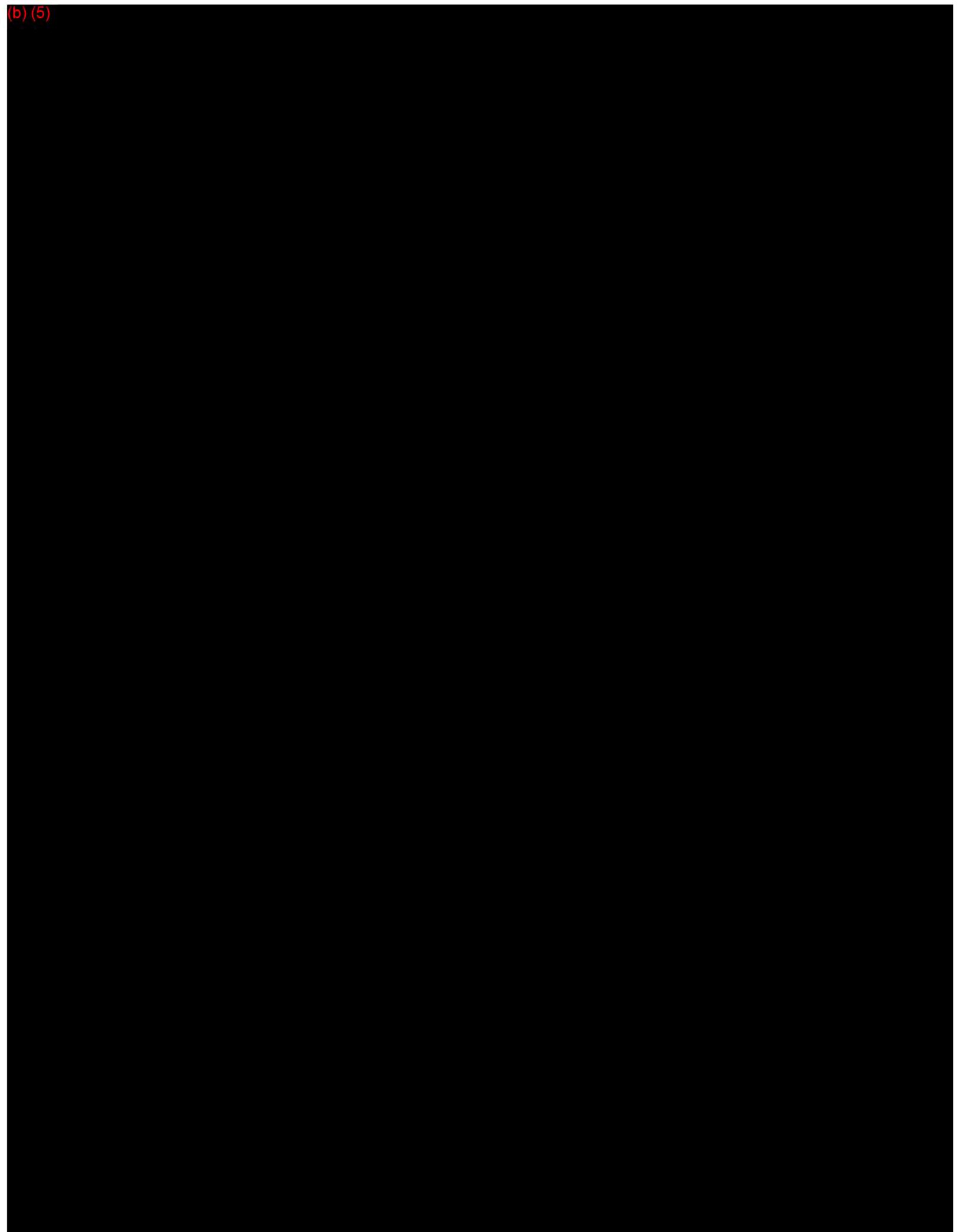


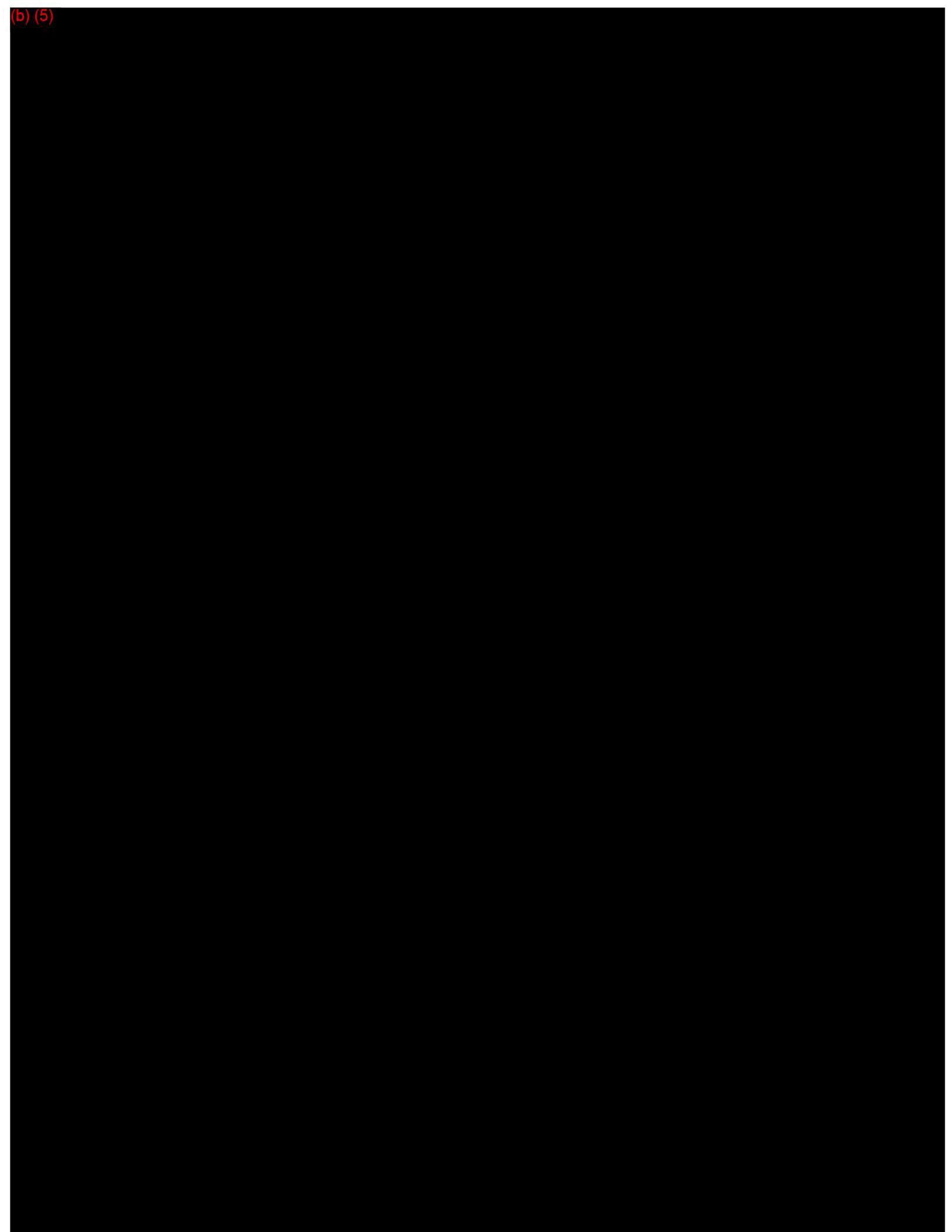


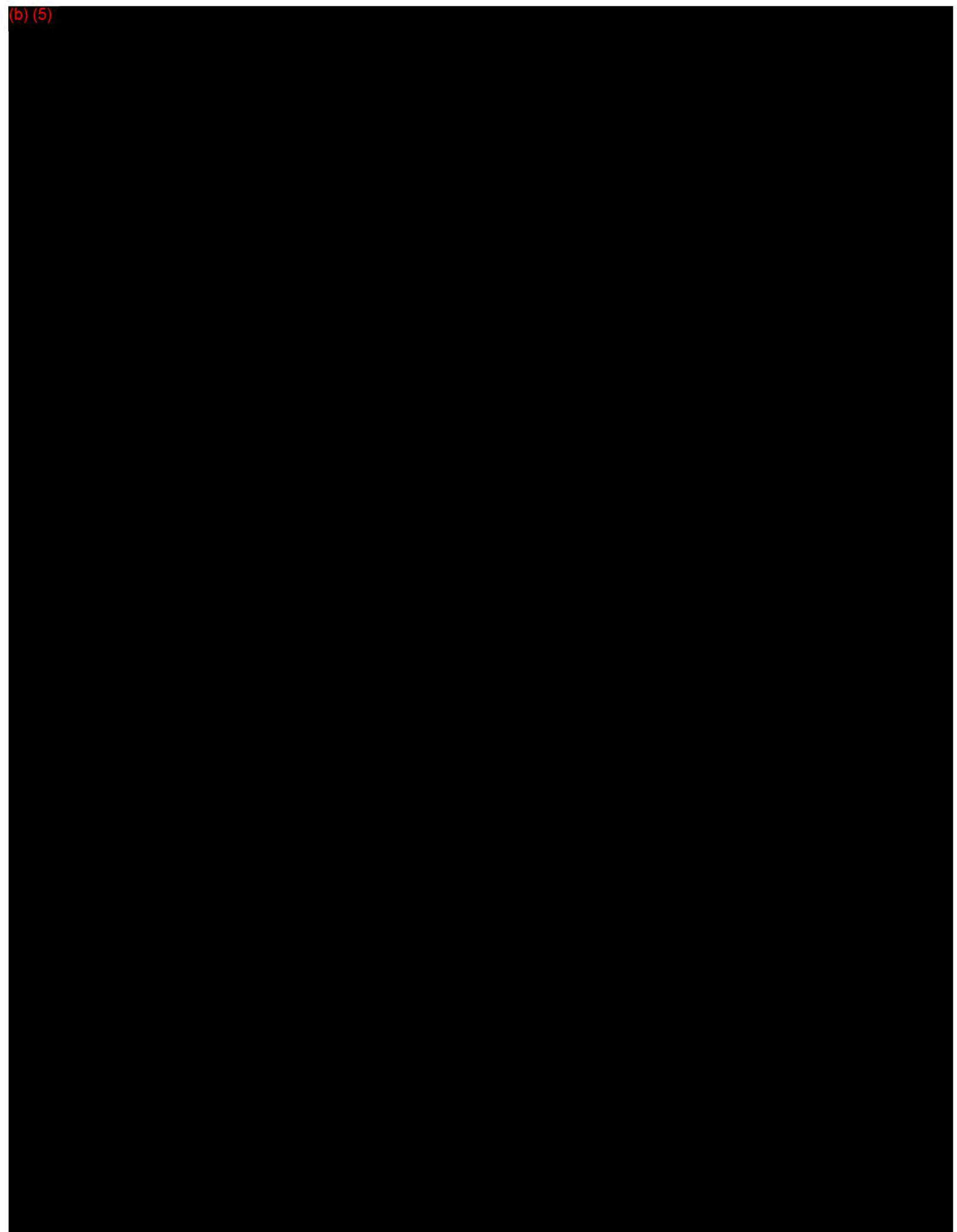


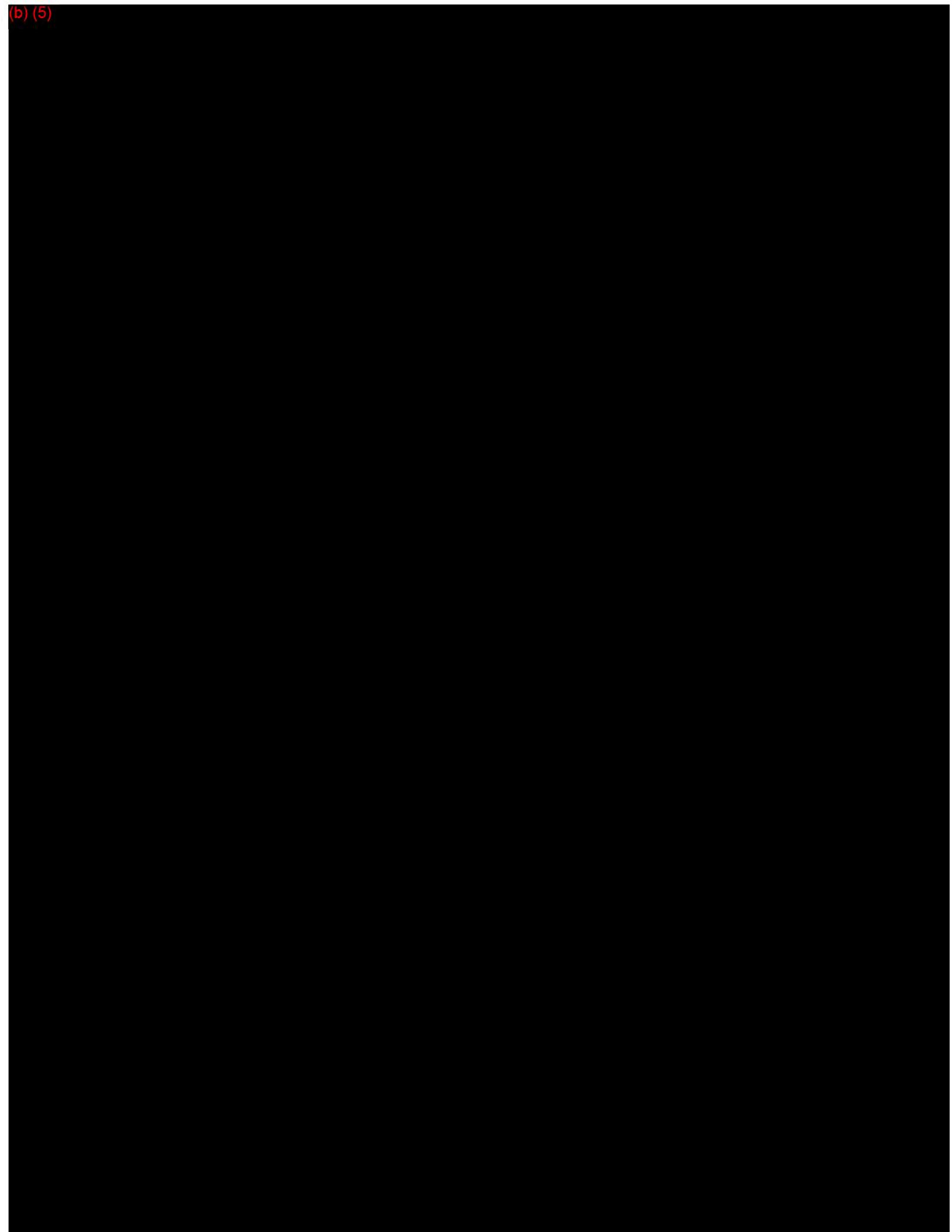


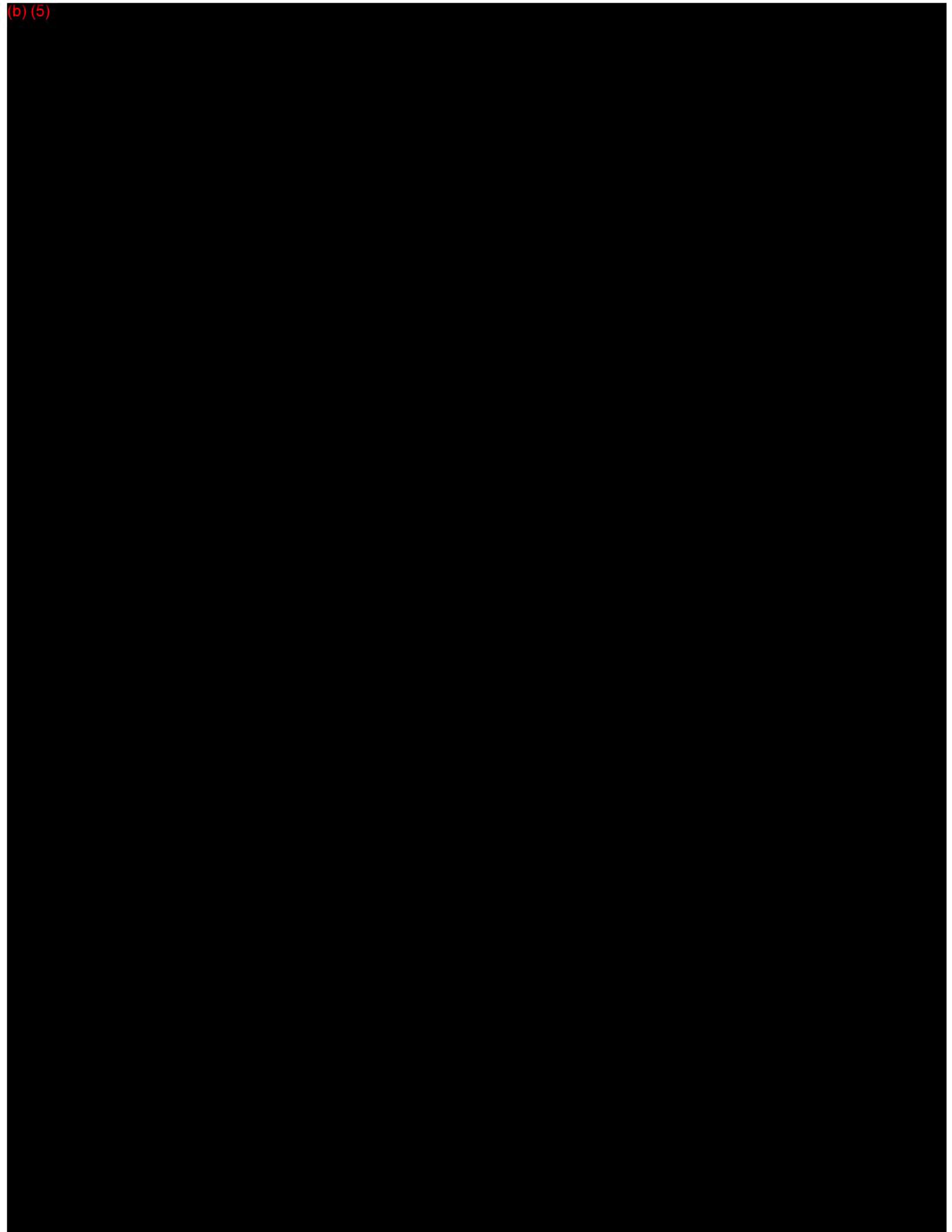
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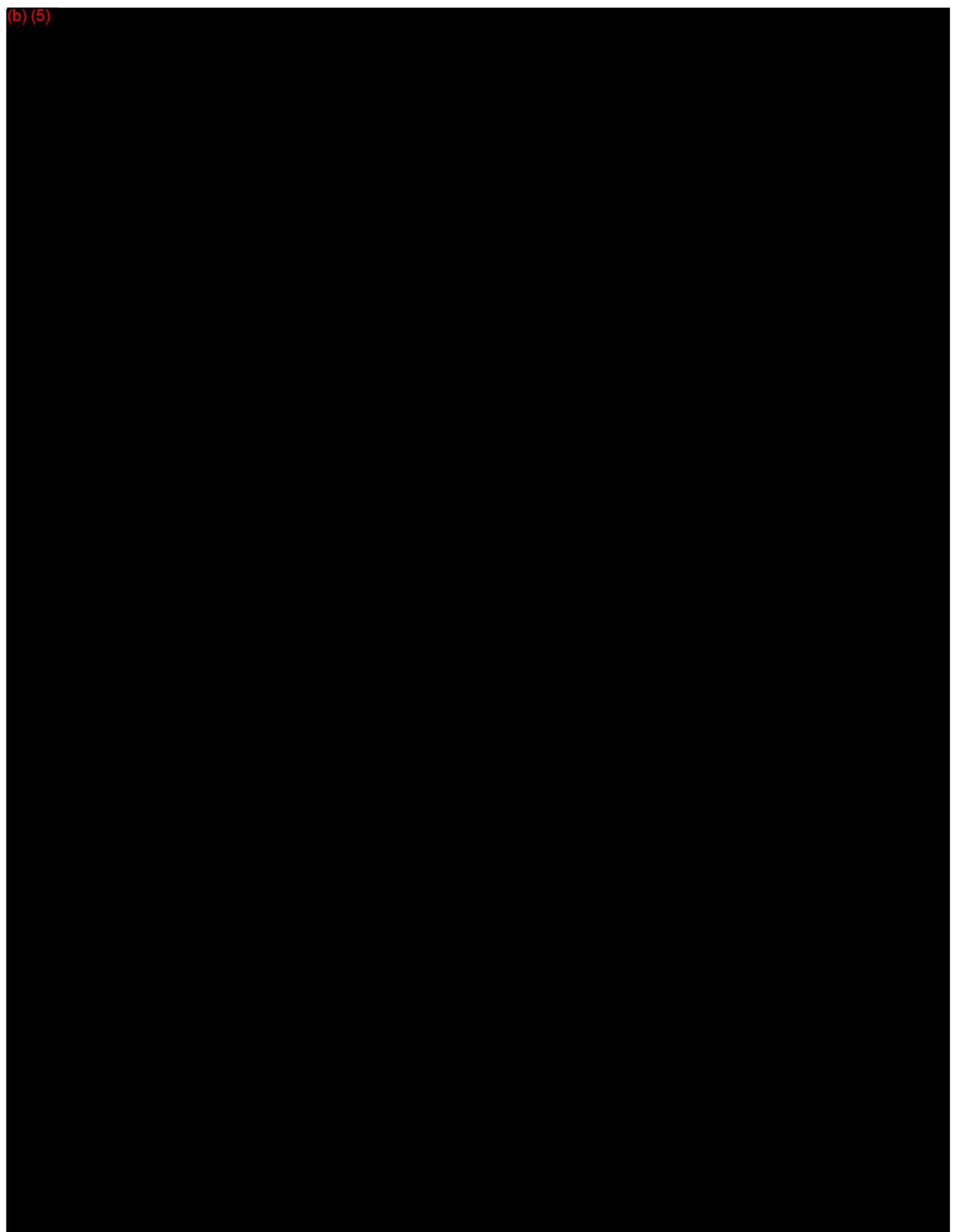




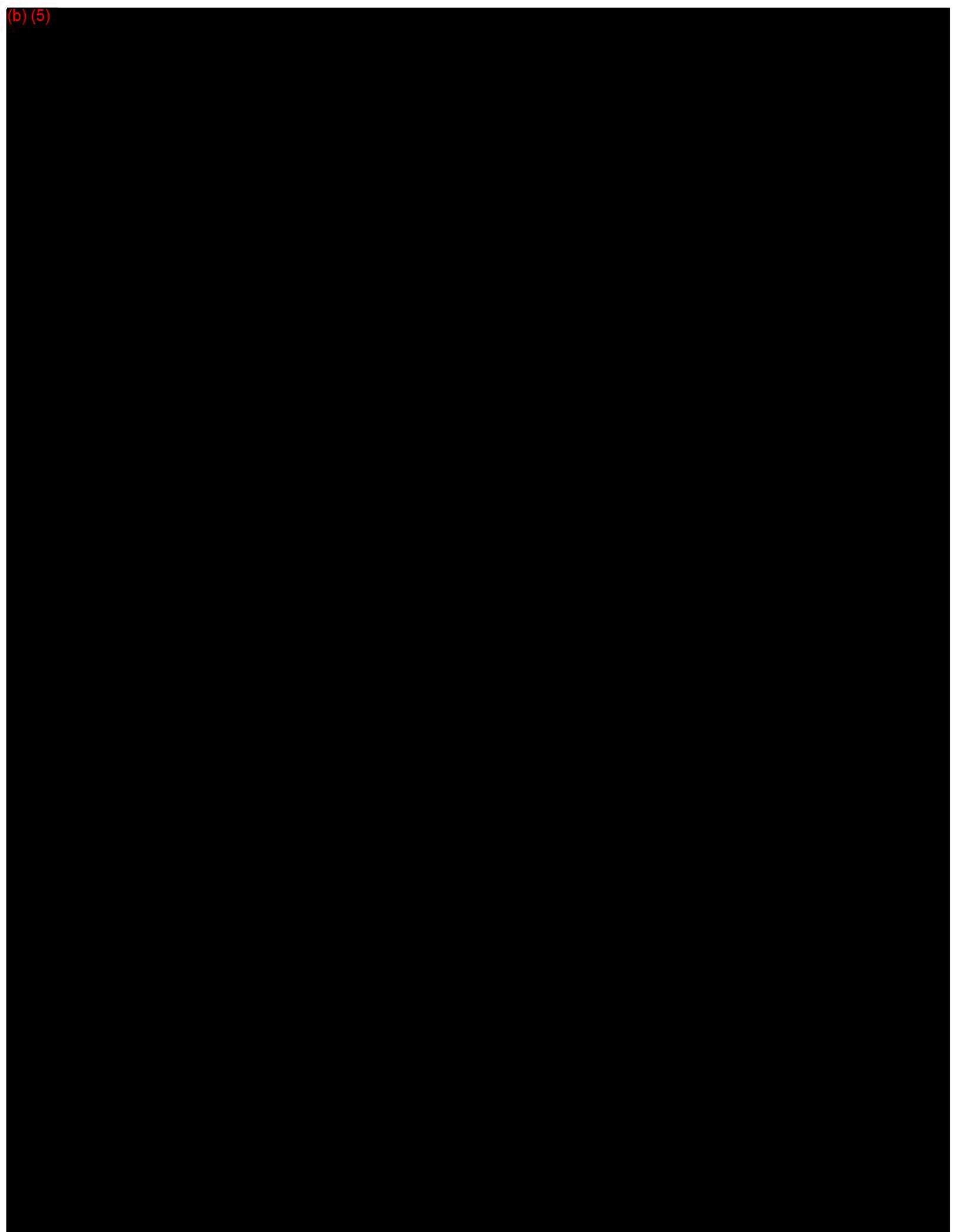




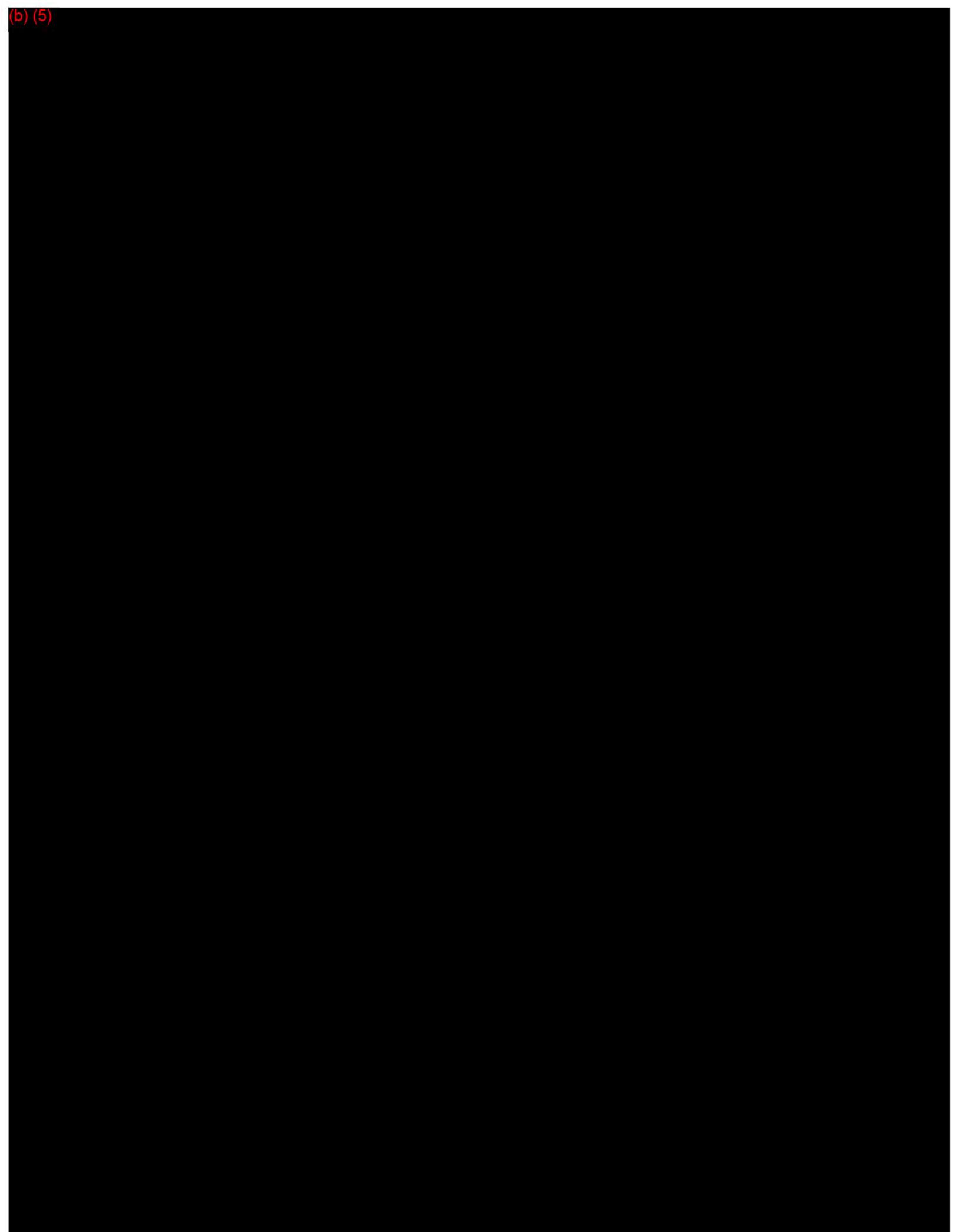




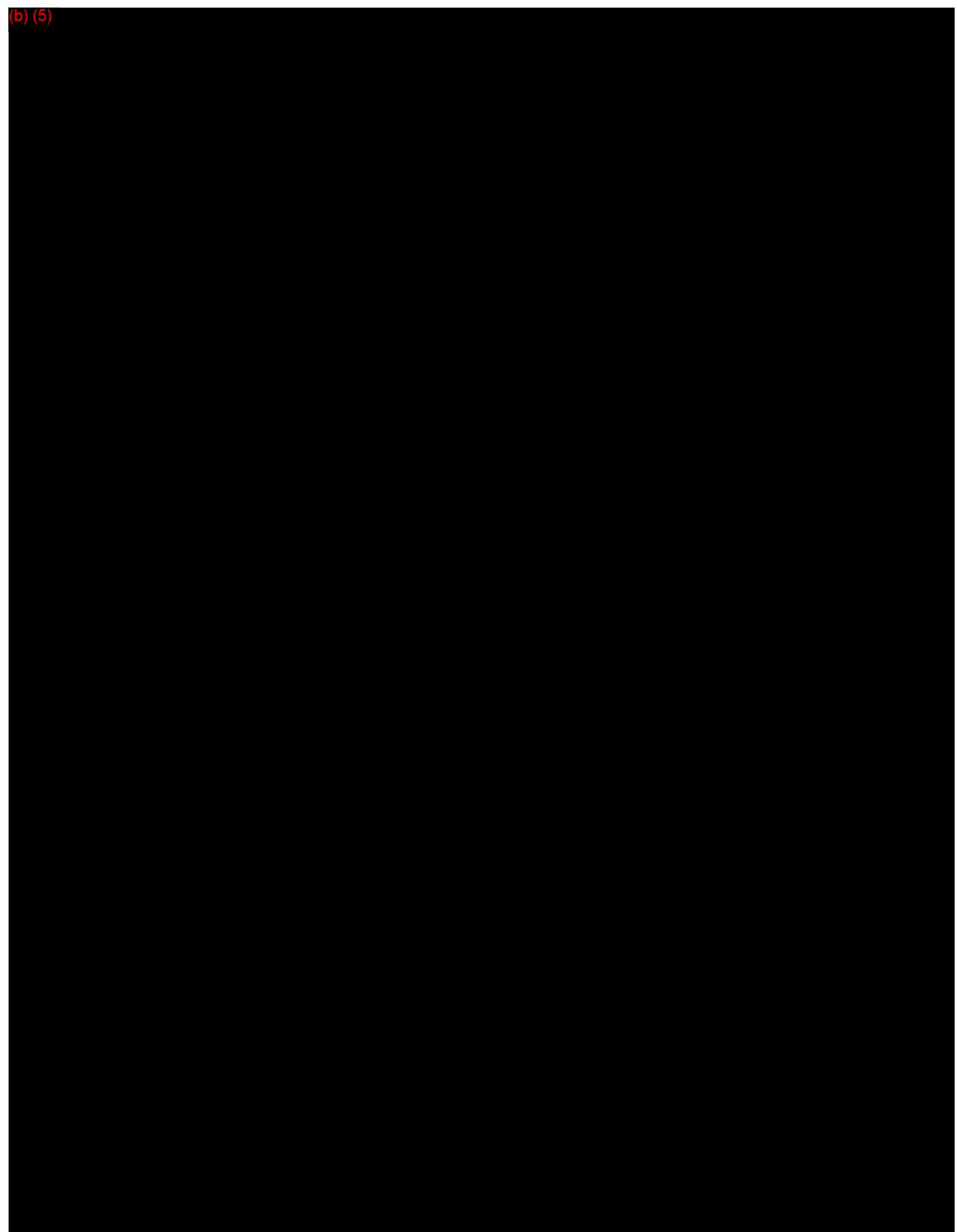
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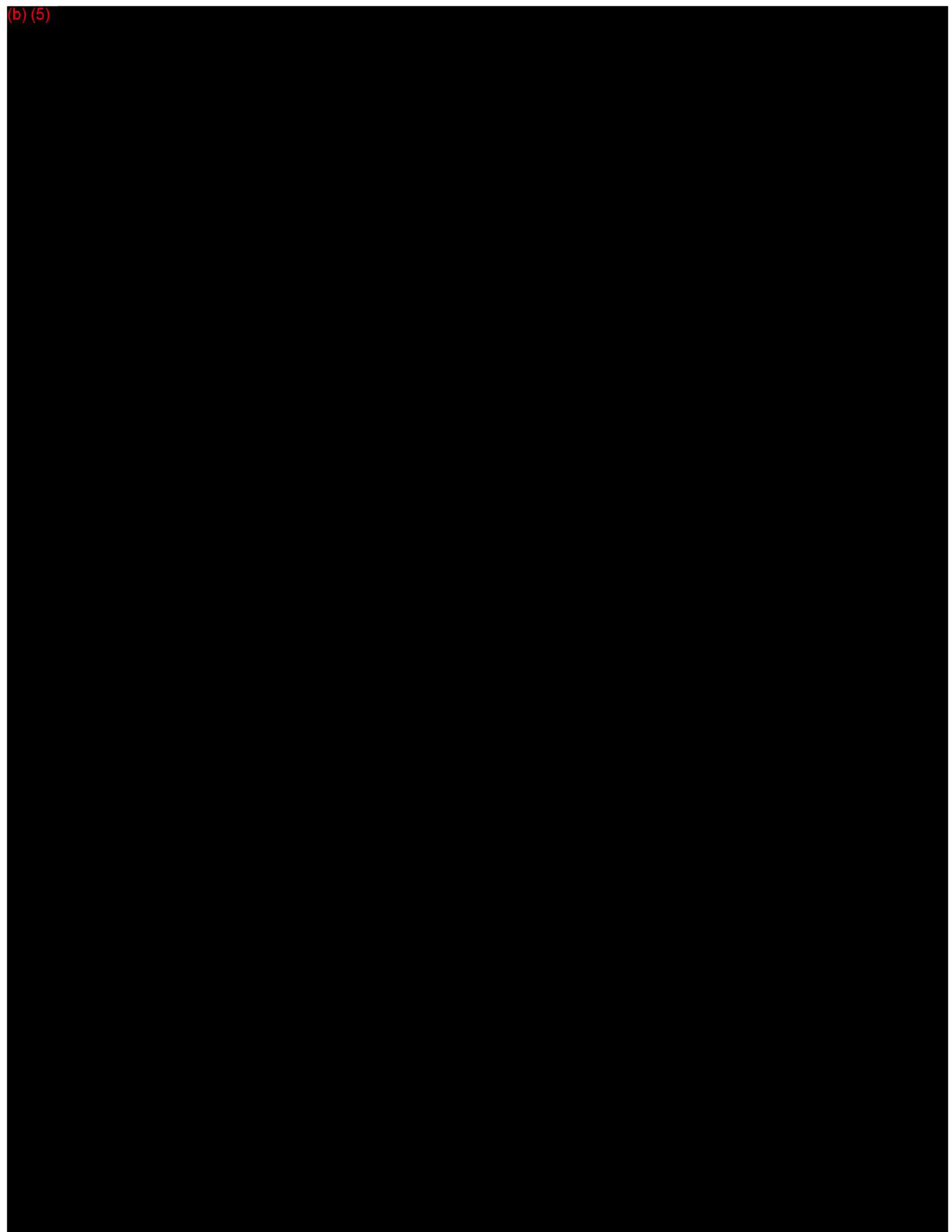
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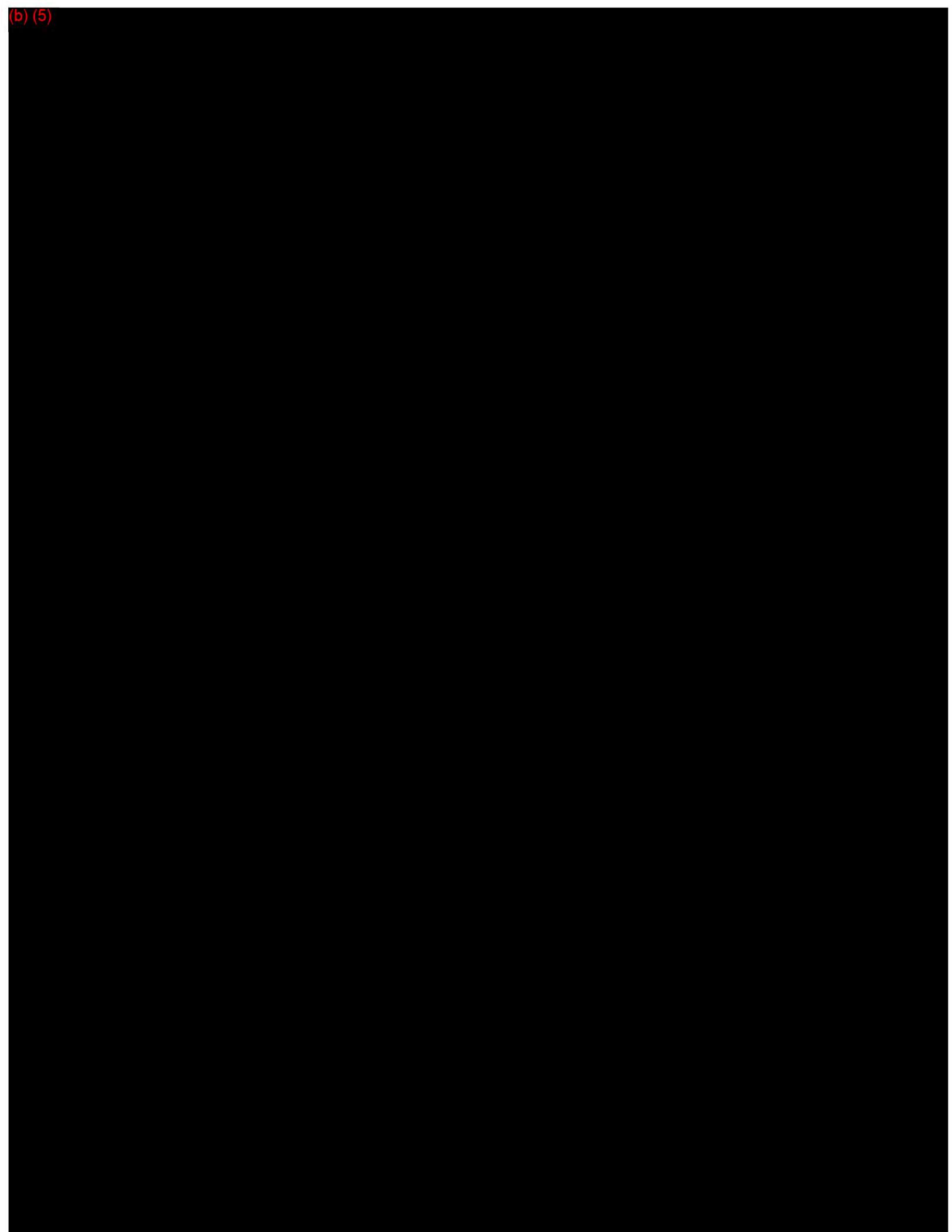


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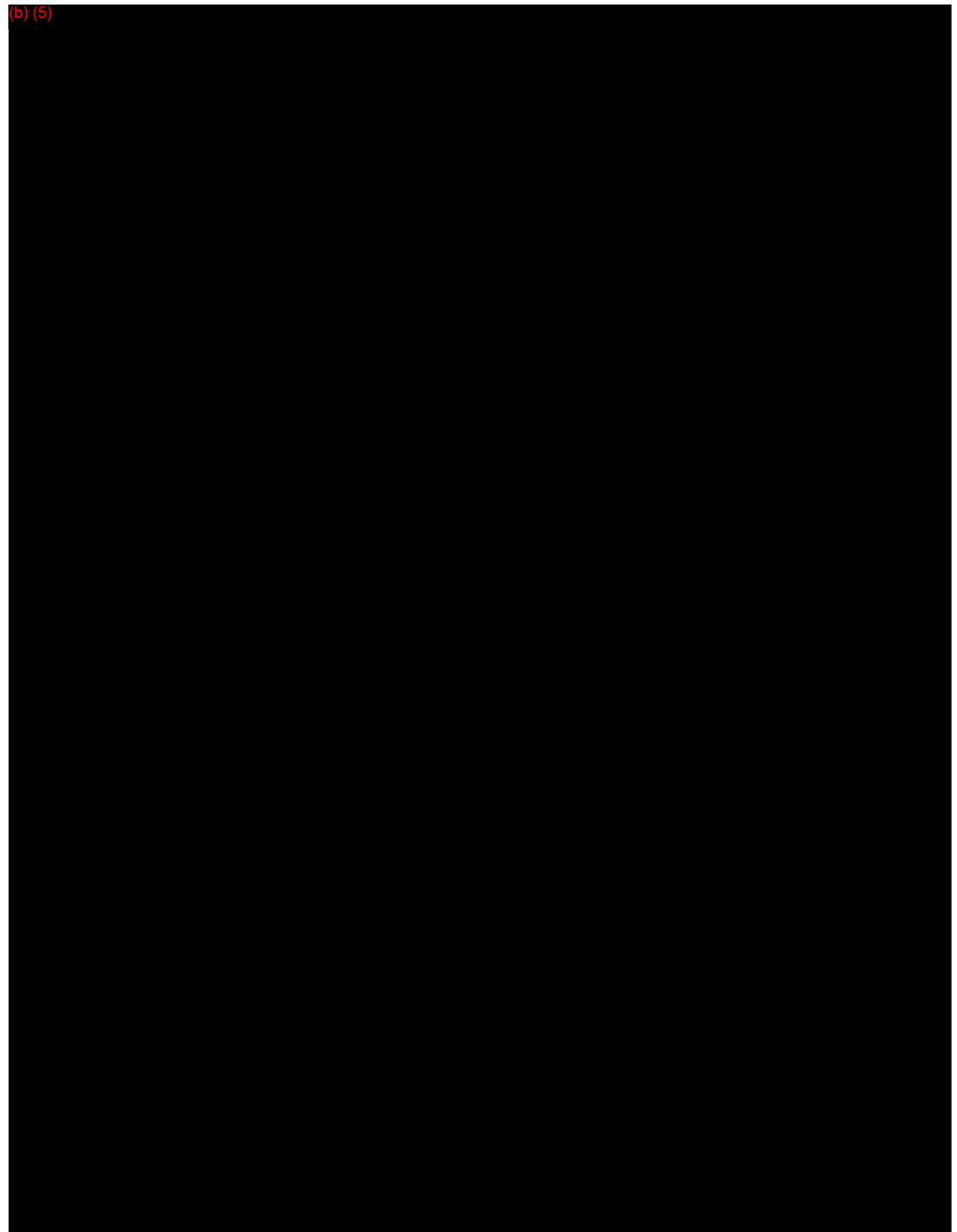


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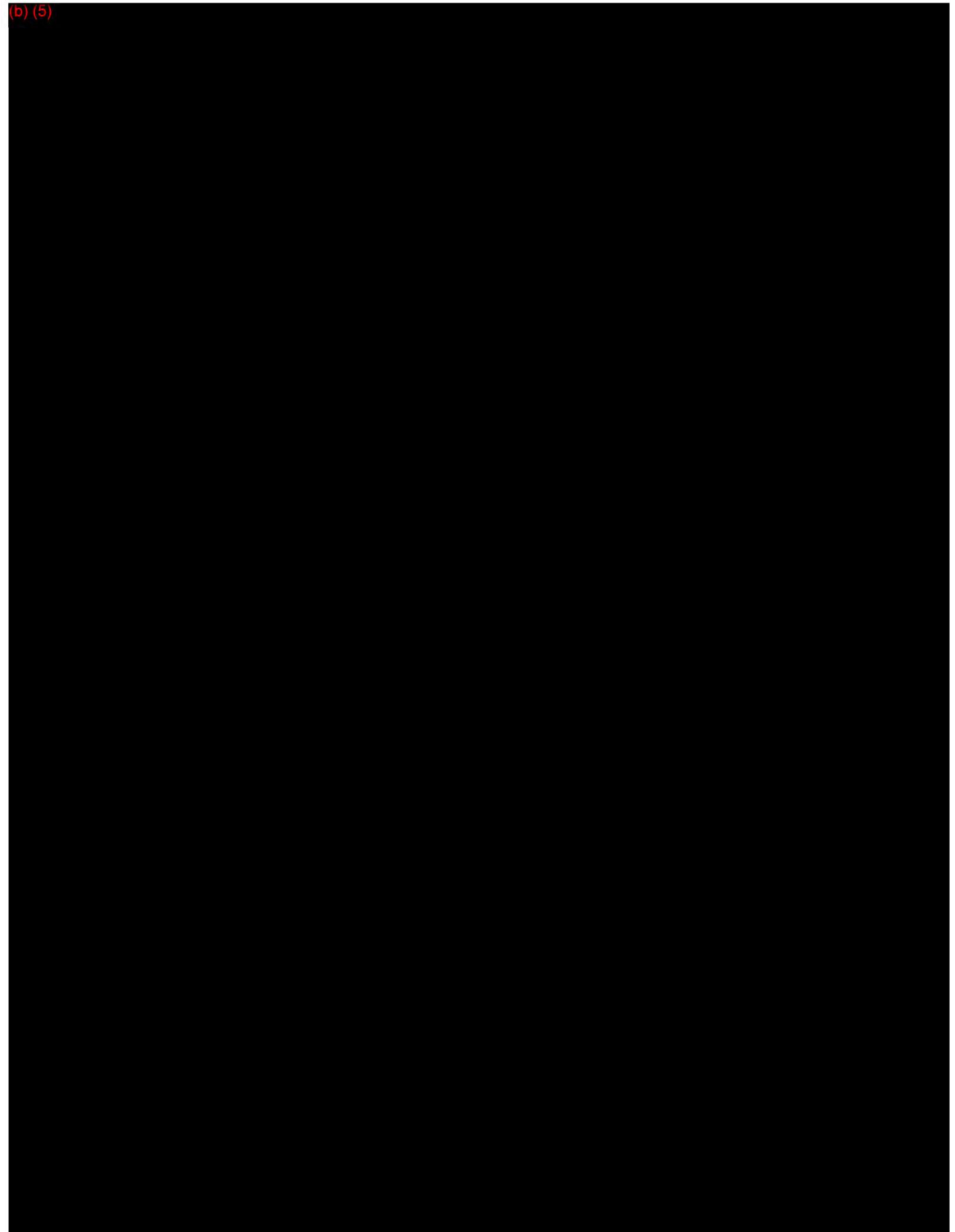




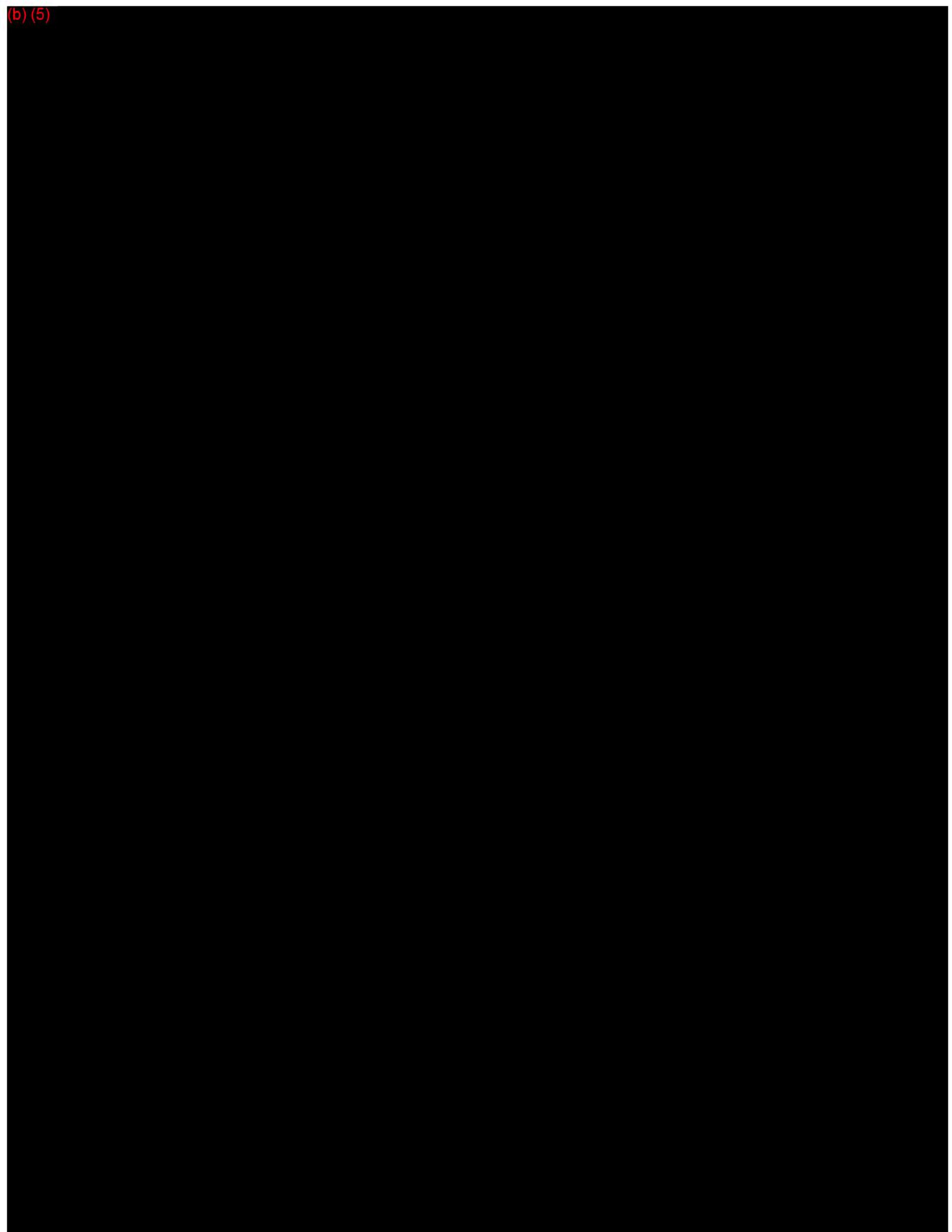
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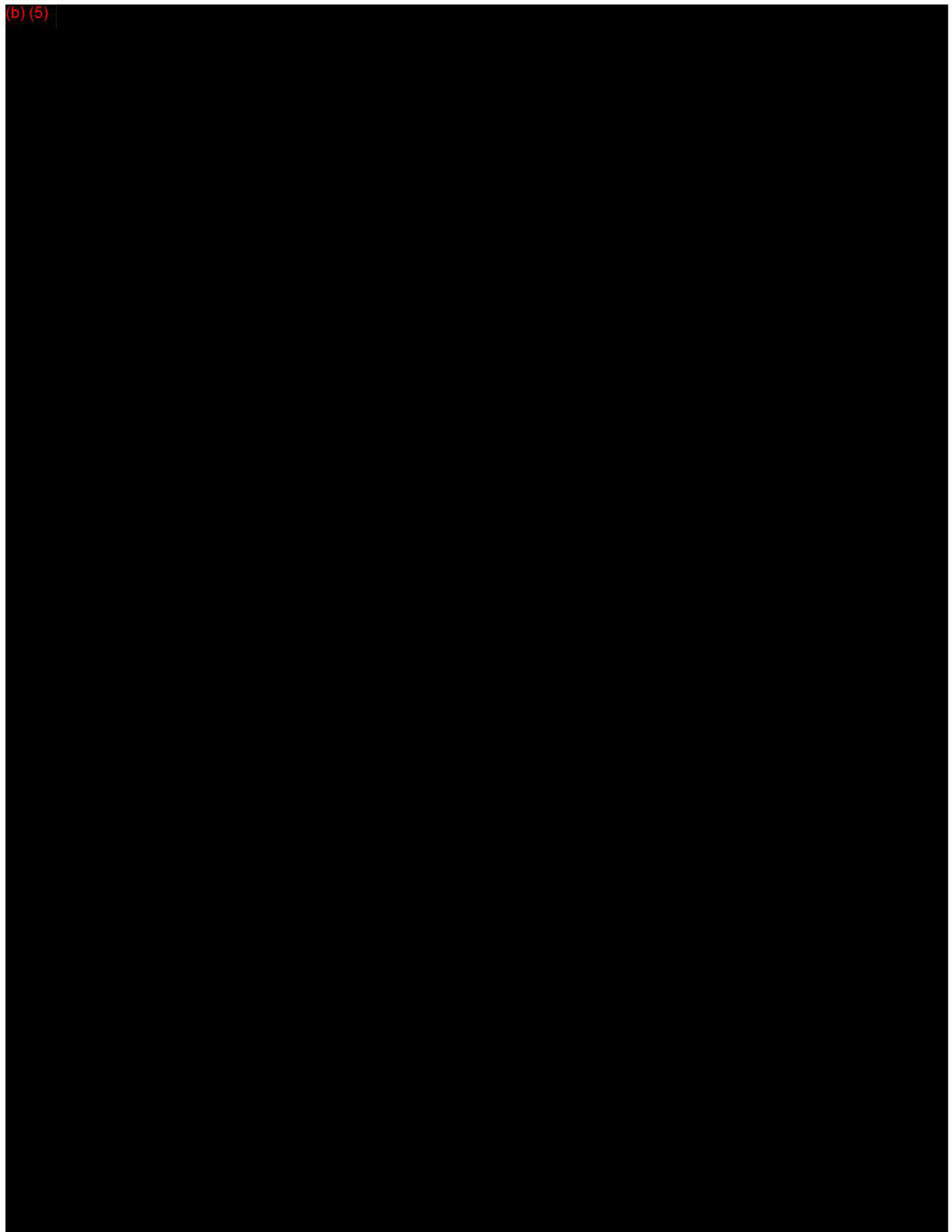


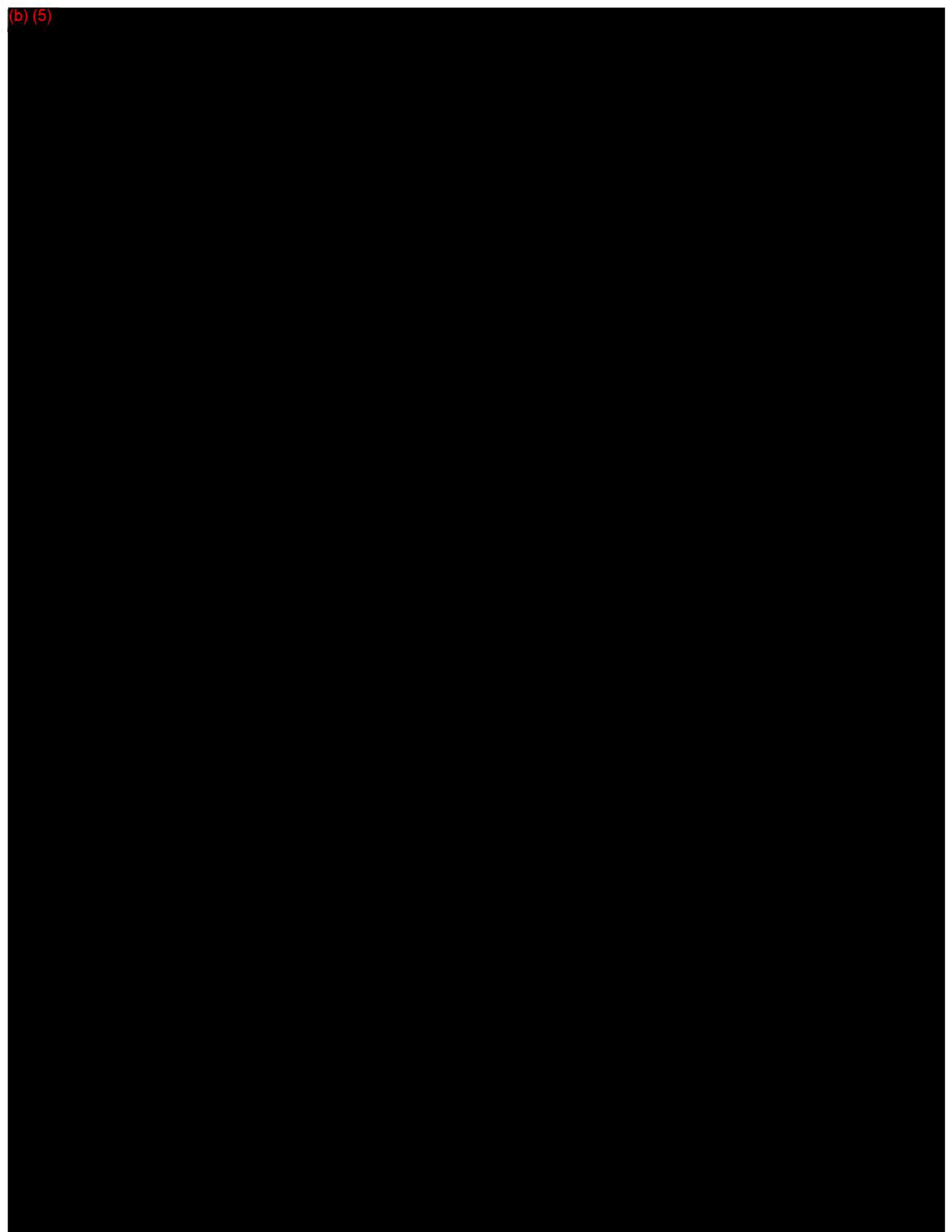
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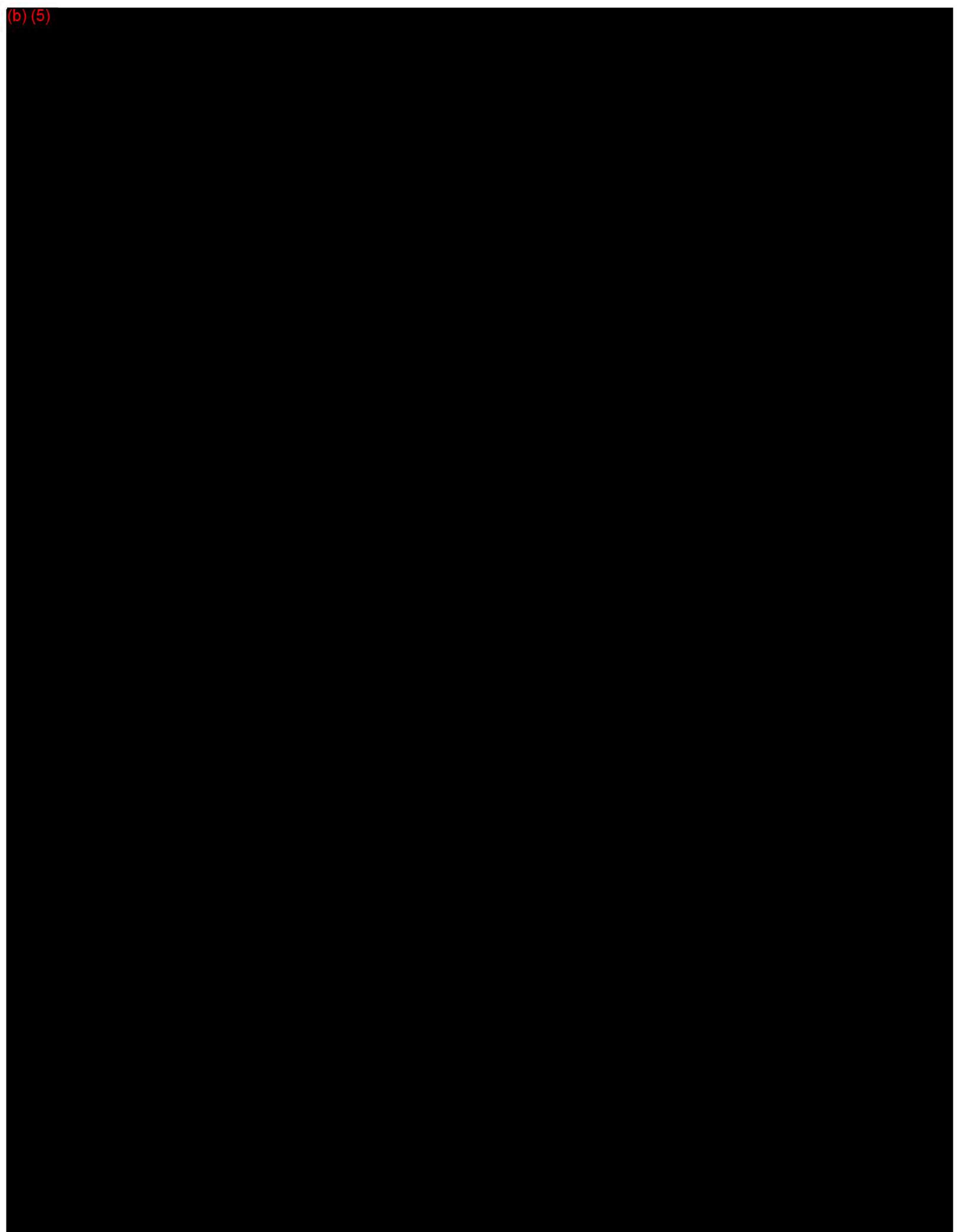
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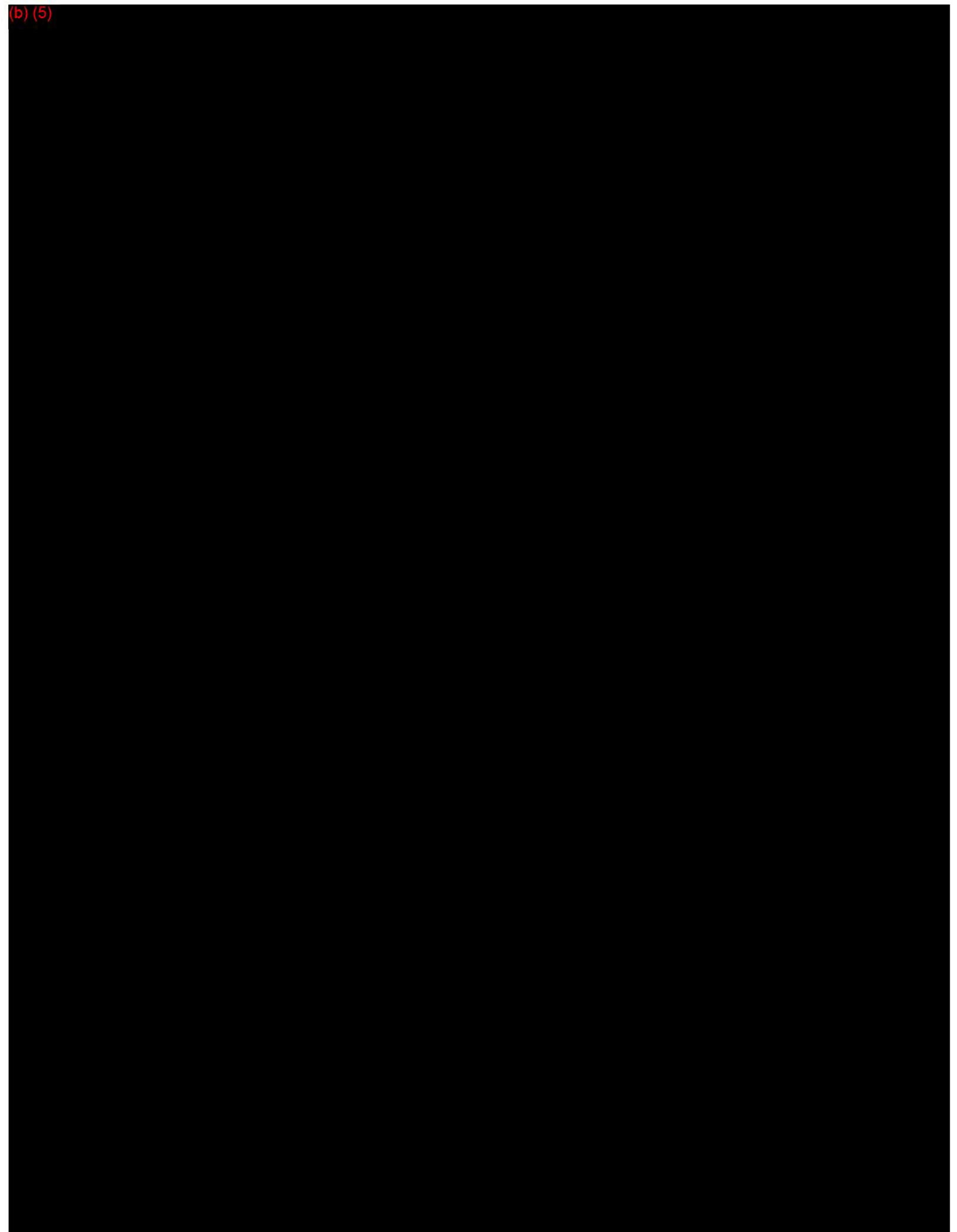




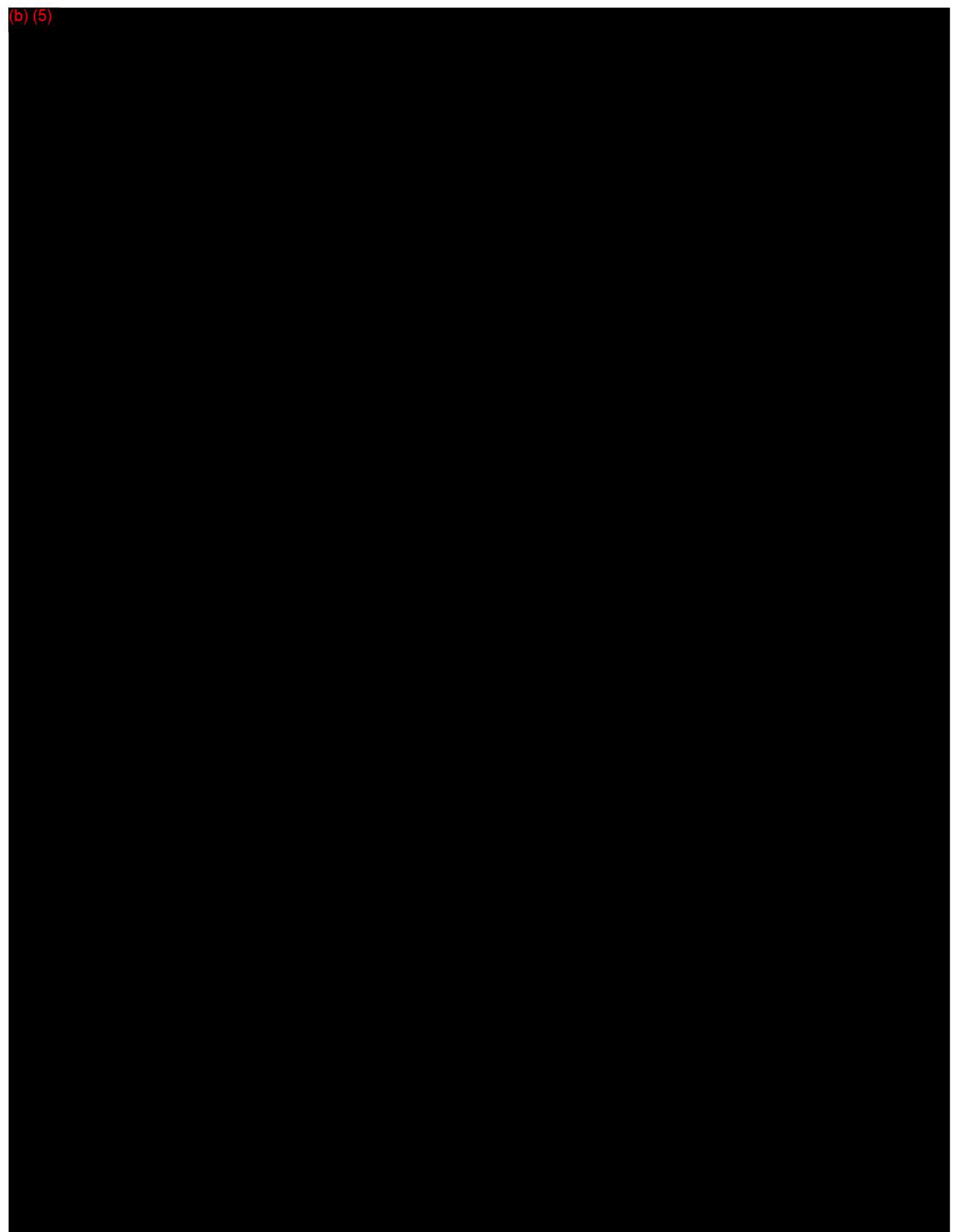


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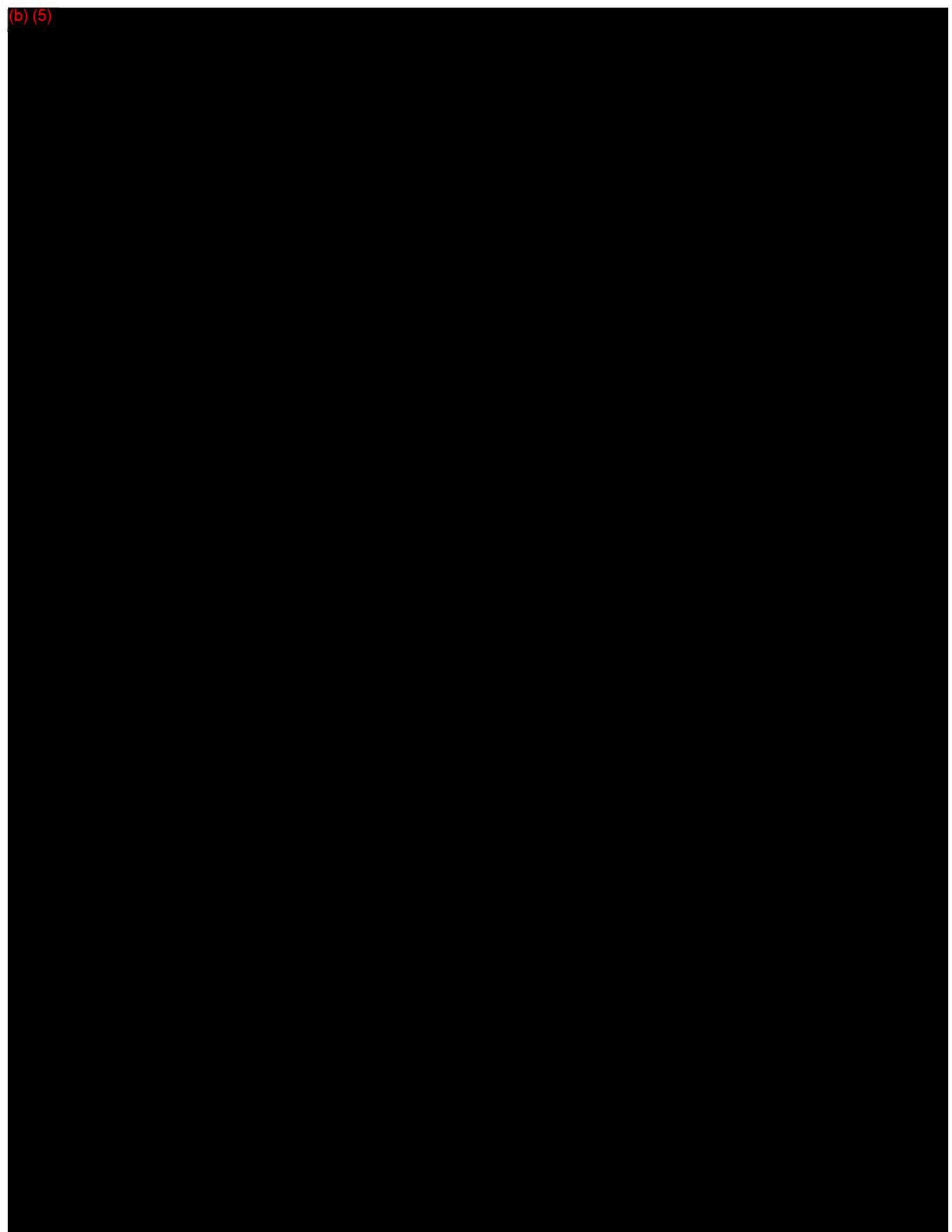




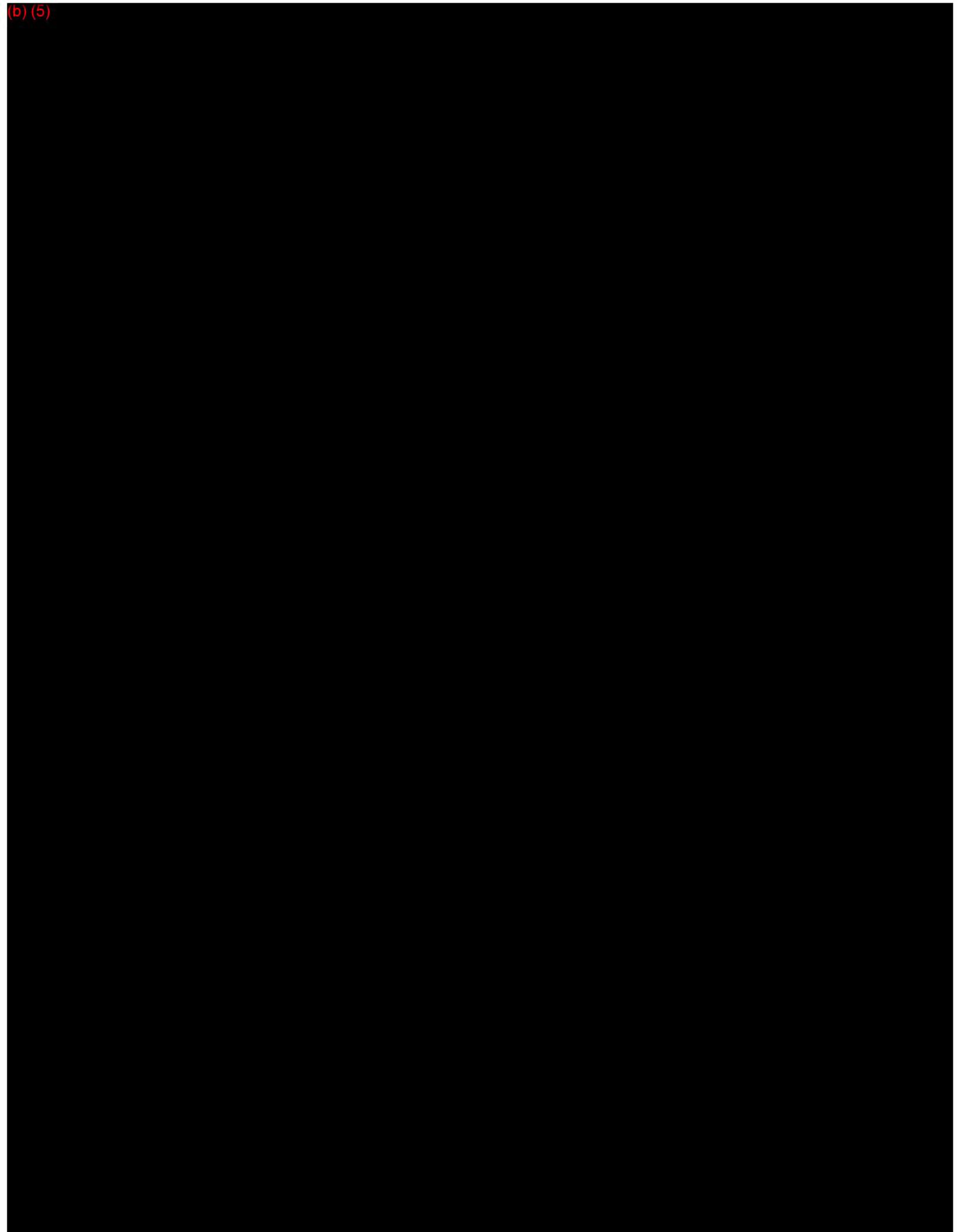
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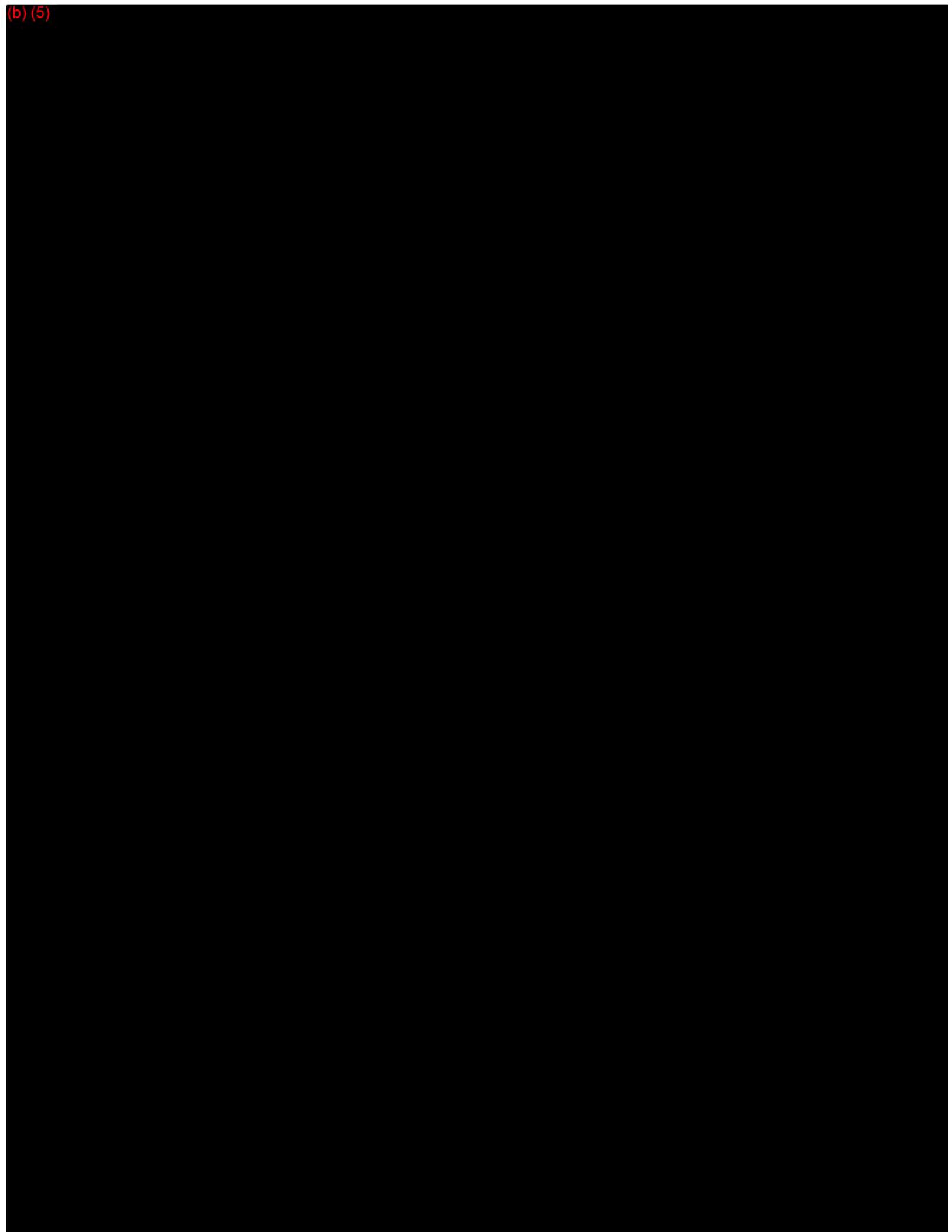


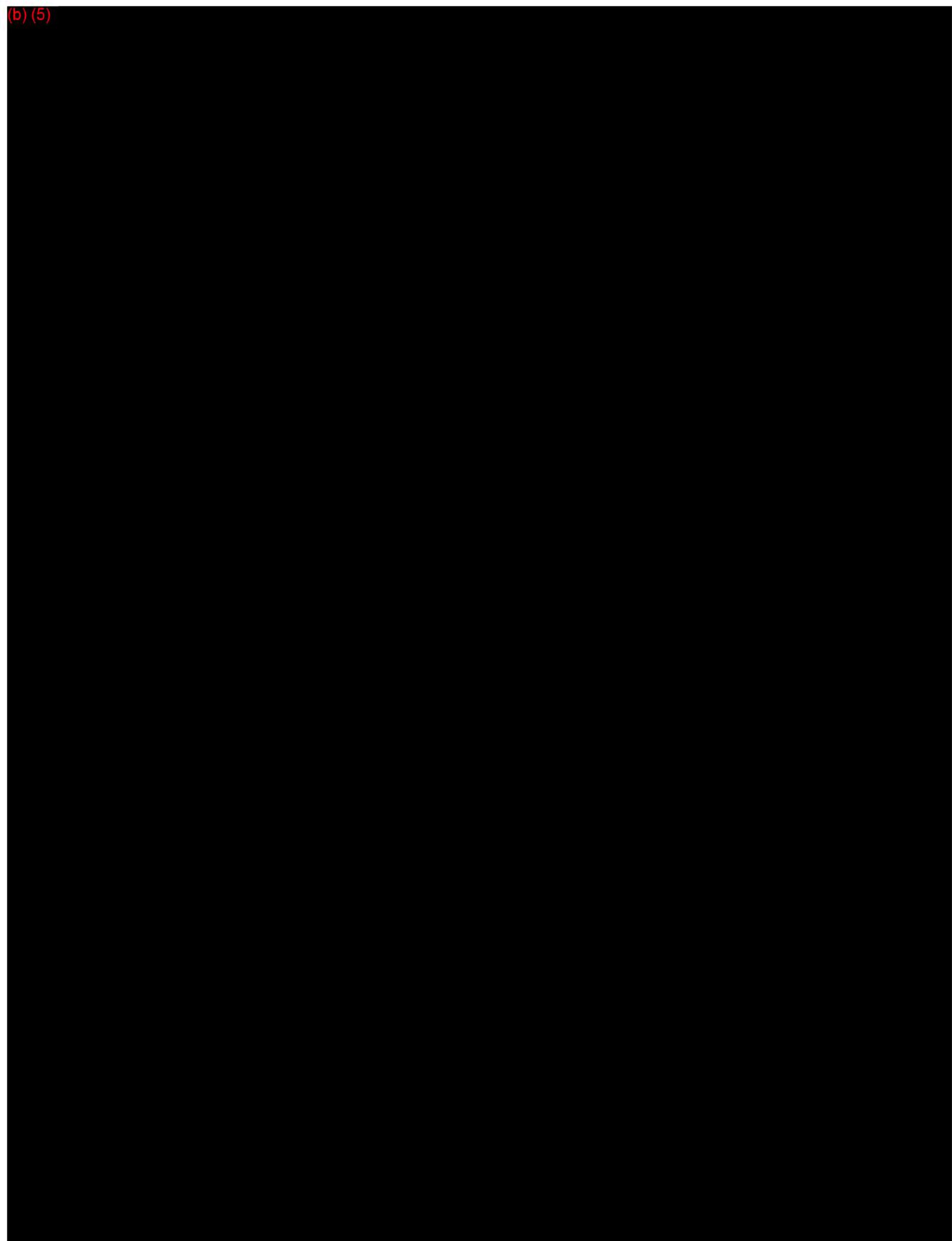
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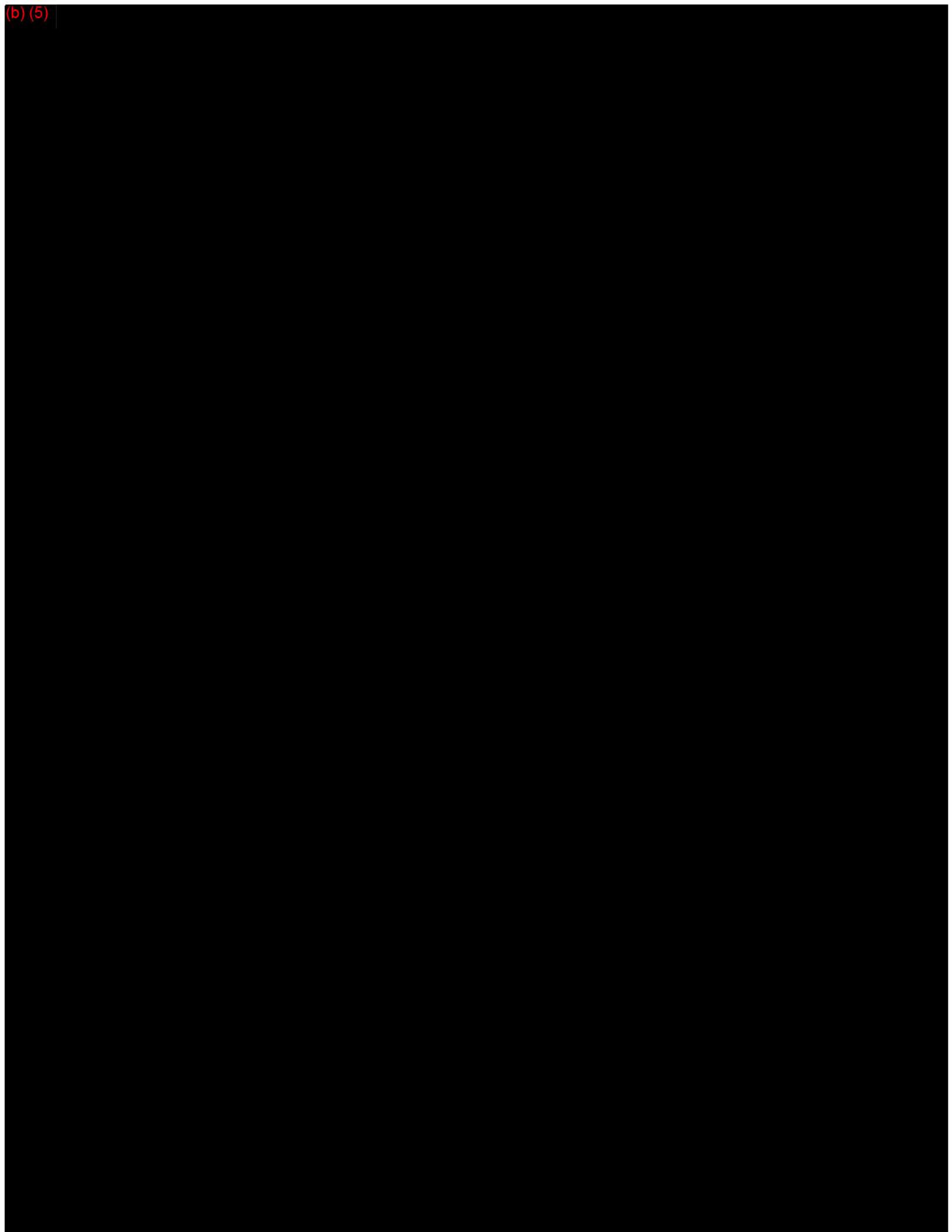


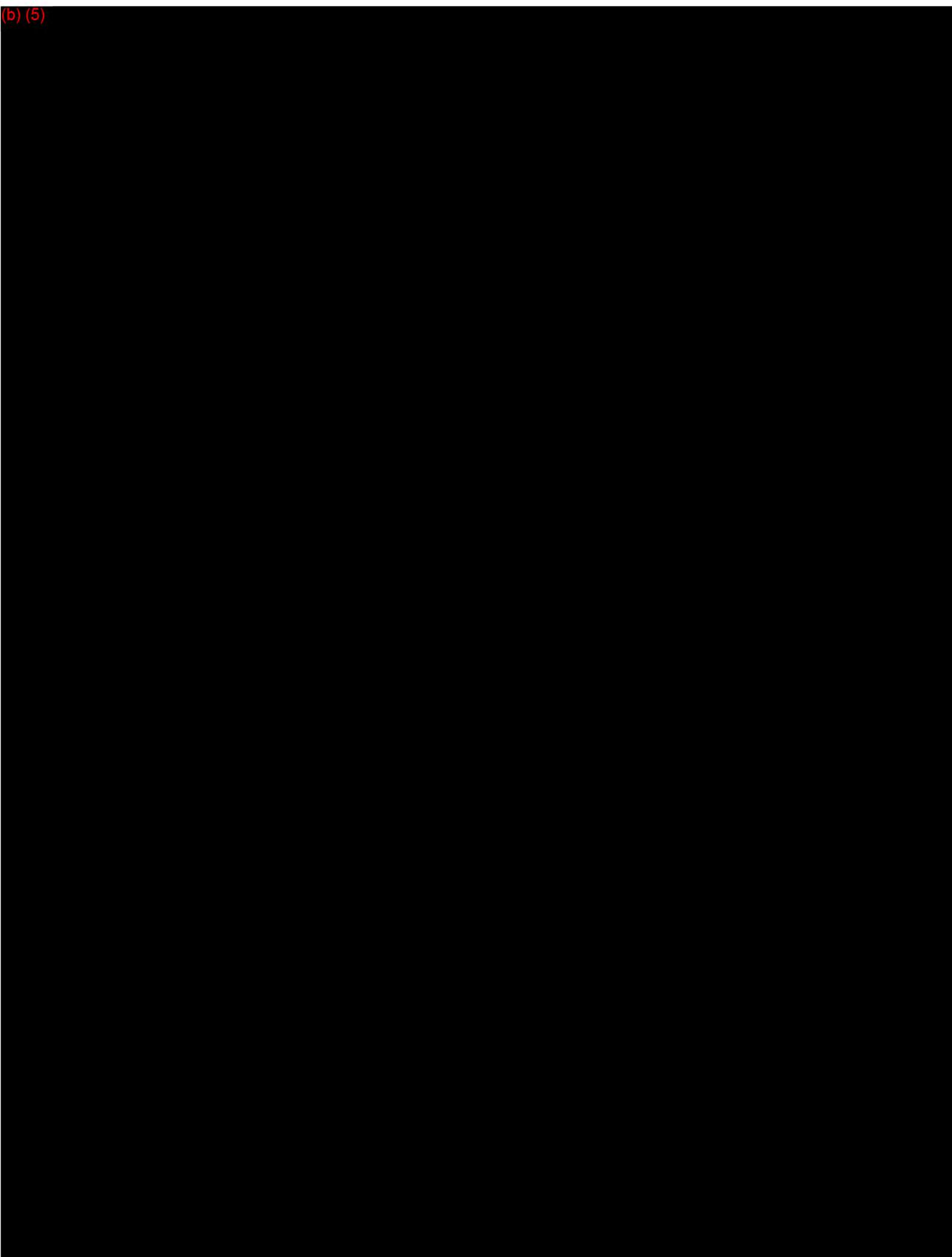
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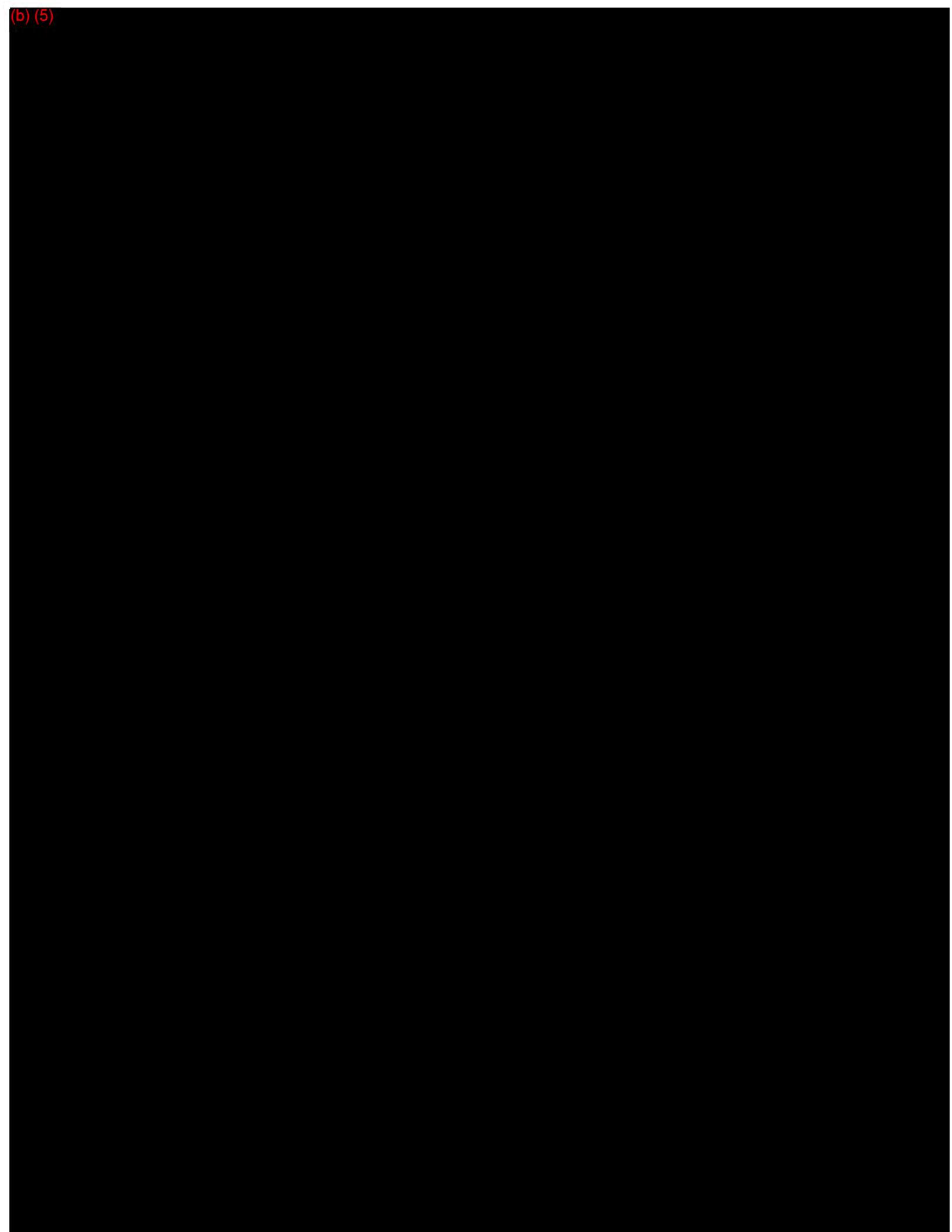




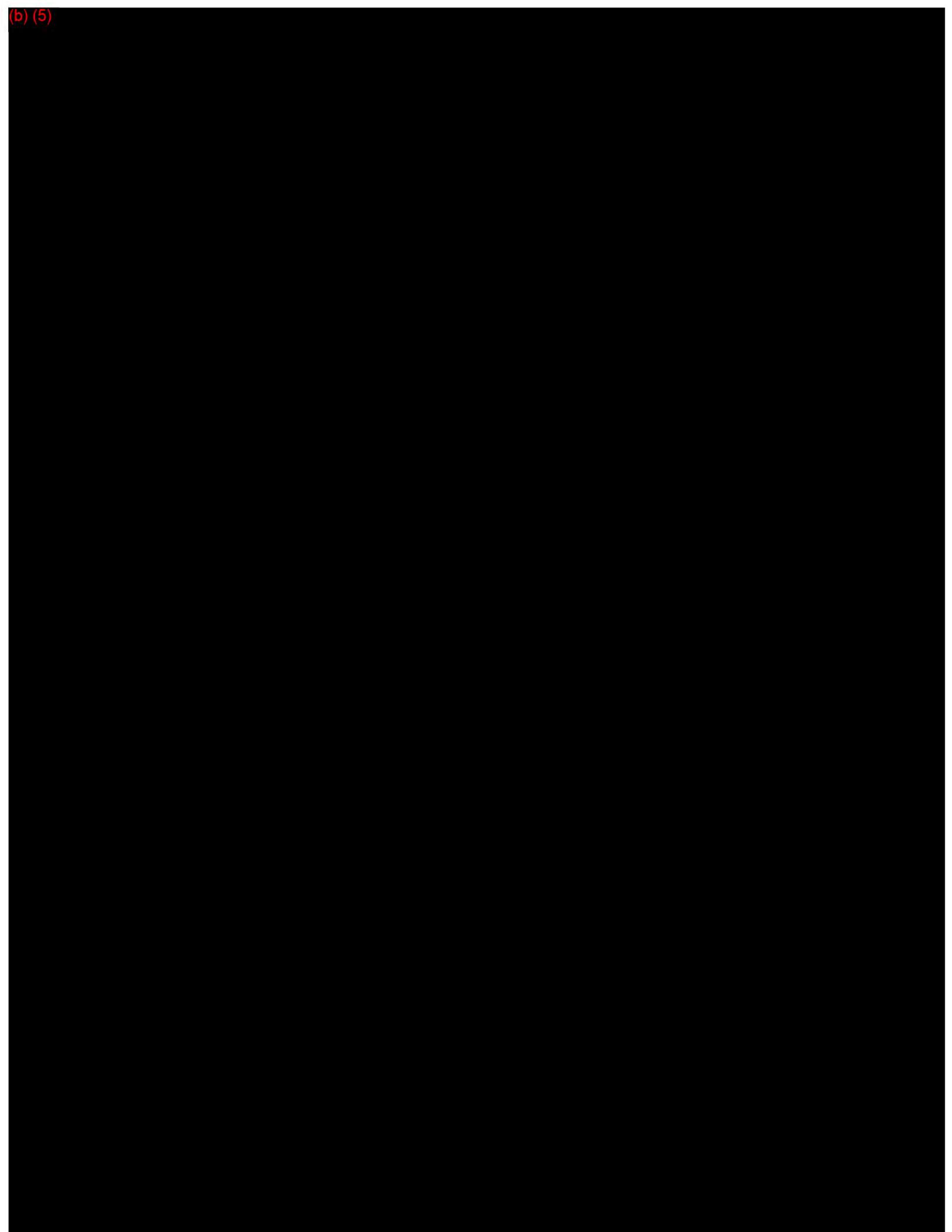








(b) (5)



(b) (5)

## latest version

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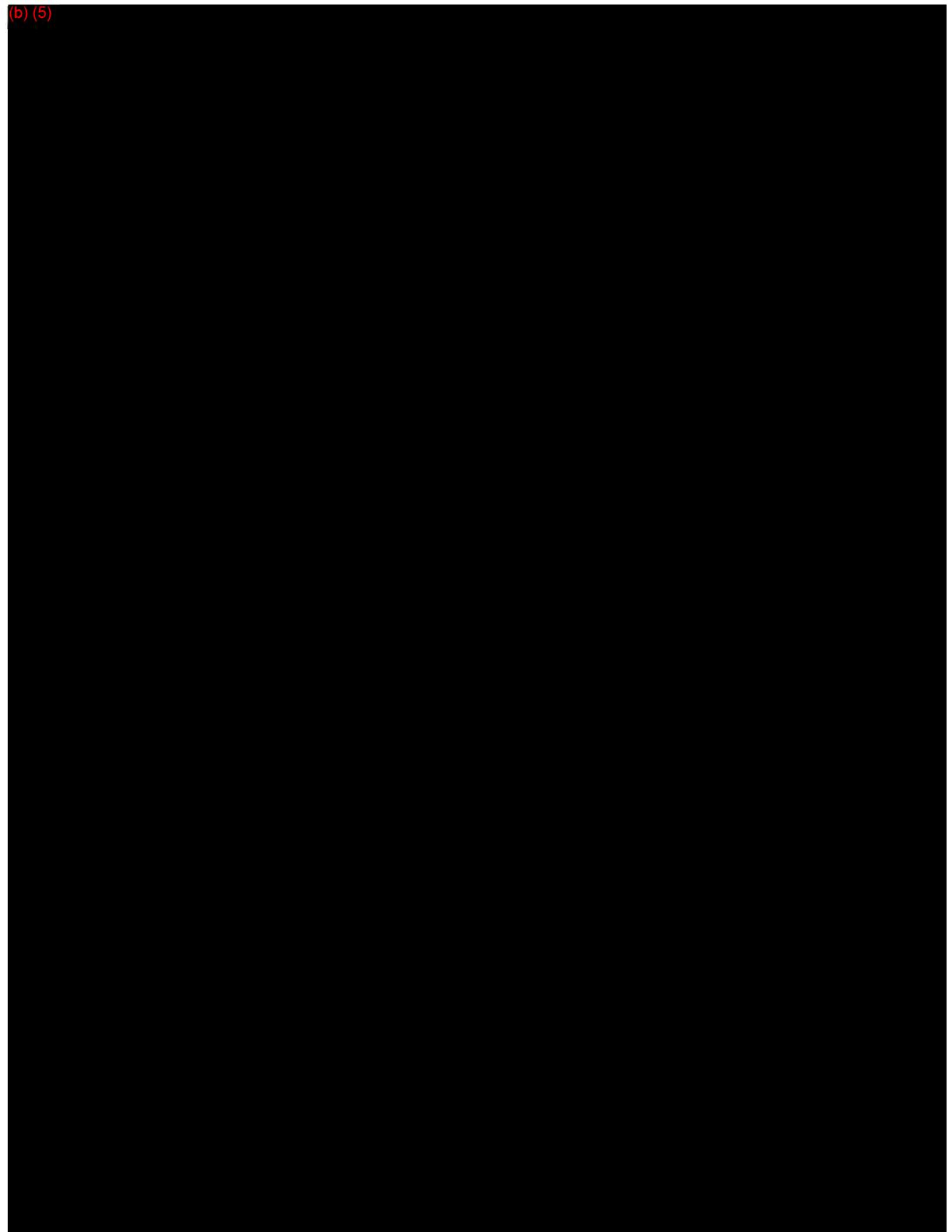
**From:** "Pettigrew, Theresa L. EOP/CEQ" <(b) (6)>  
**To:** "Smith, Katherine R. EOP/CEQ" <(b) (6)>  
**Date:** Thu, 26 Jul 2018 17:53:33 -0400  
**Attachments:** All Neumayr QFRs 07.19.2018 DRAFT RESPONSES - TLP Edits 072618.docx (86.55 kB)

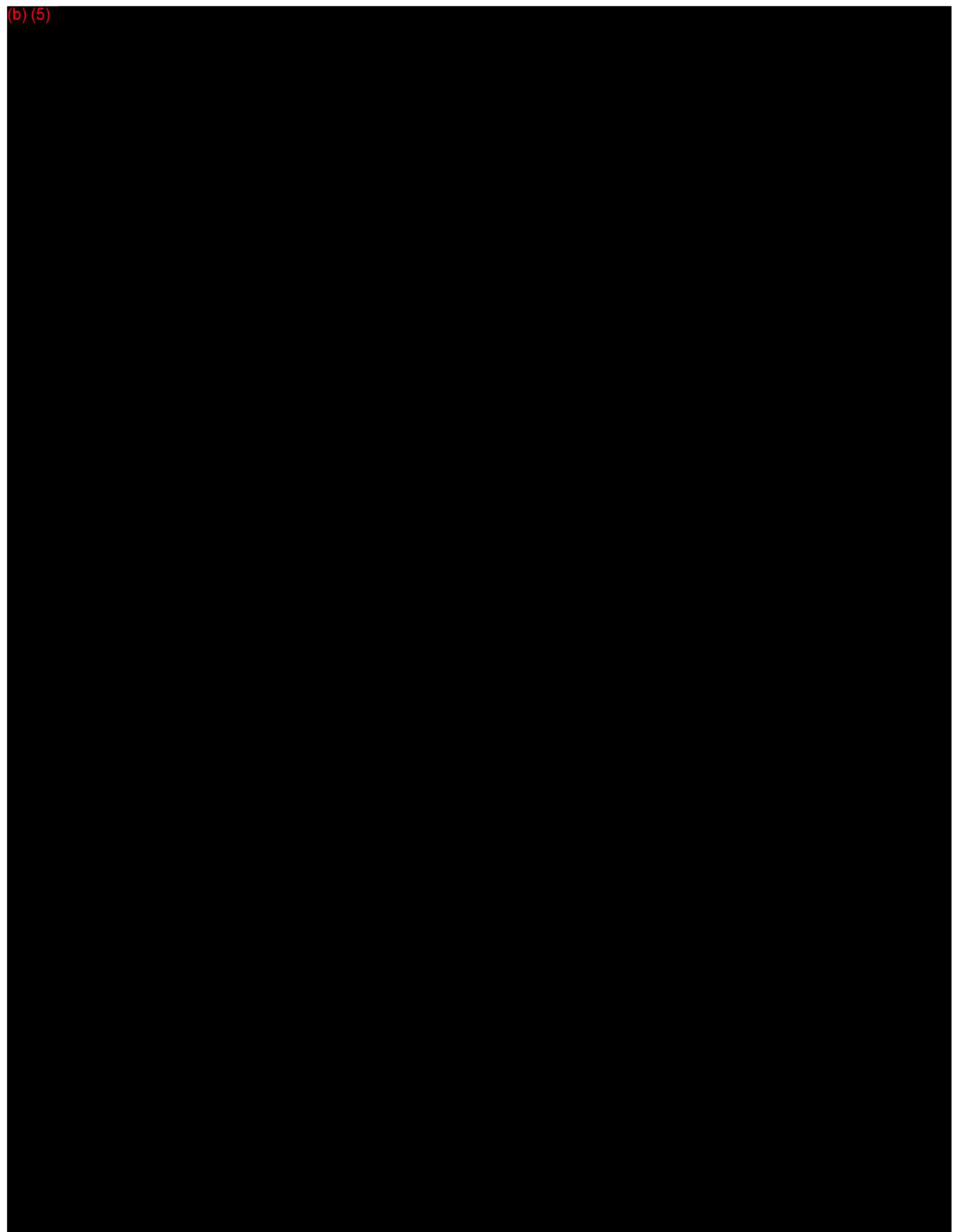
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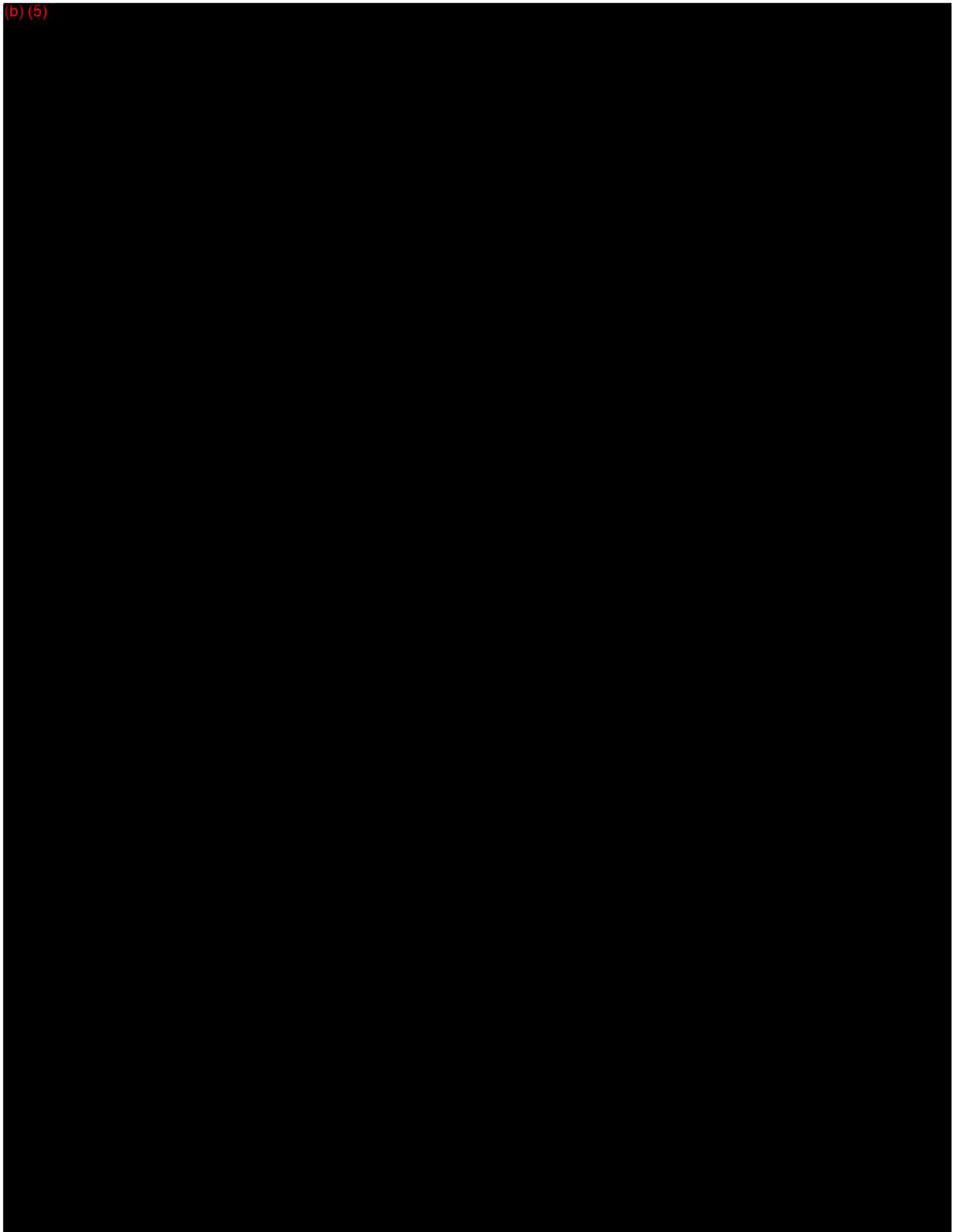
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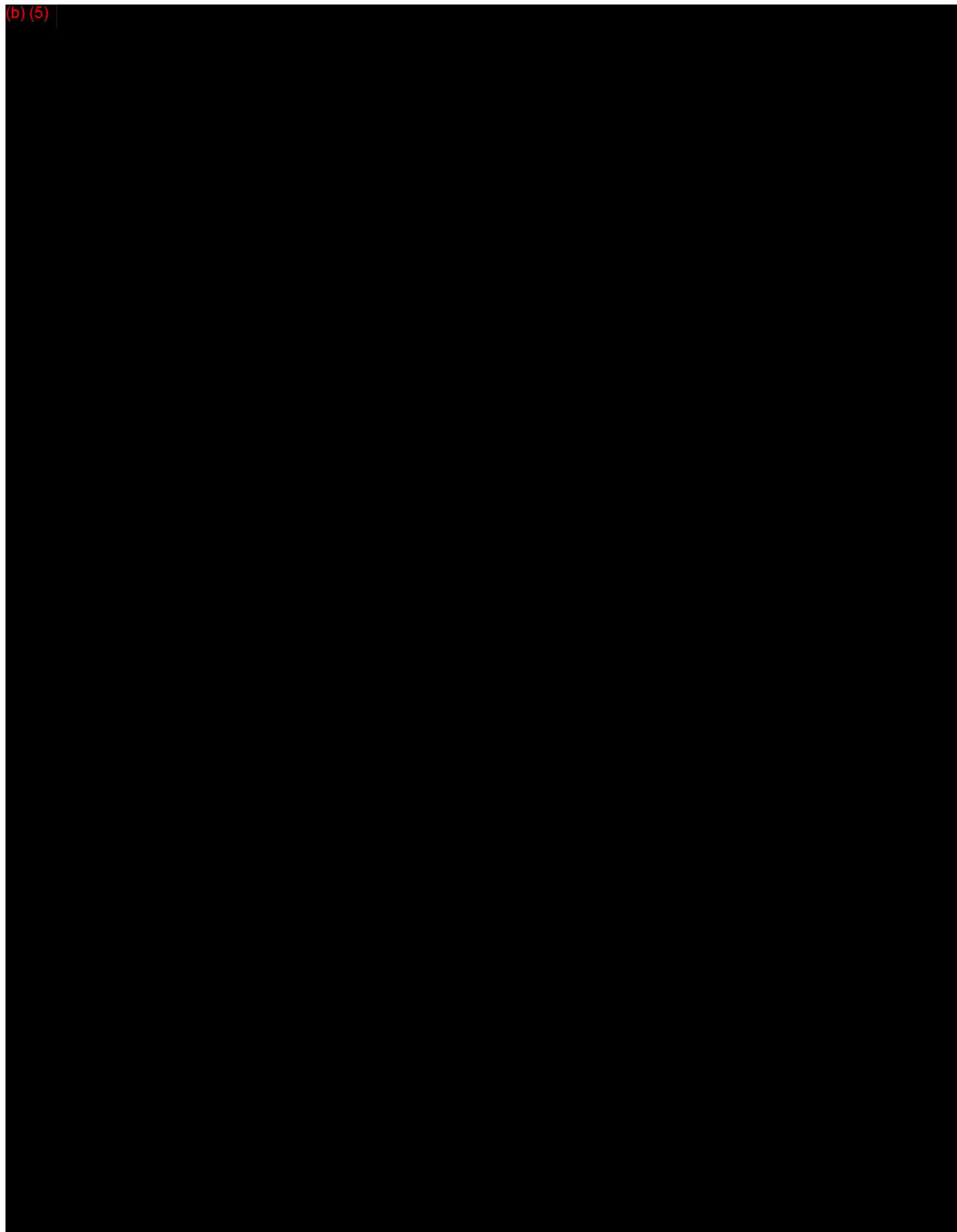
Thanks,  
Theresa

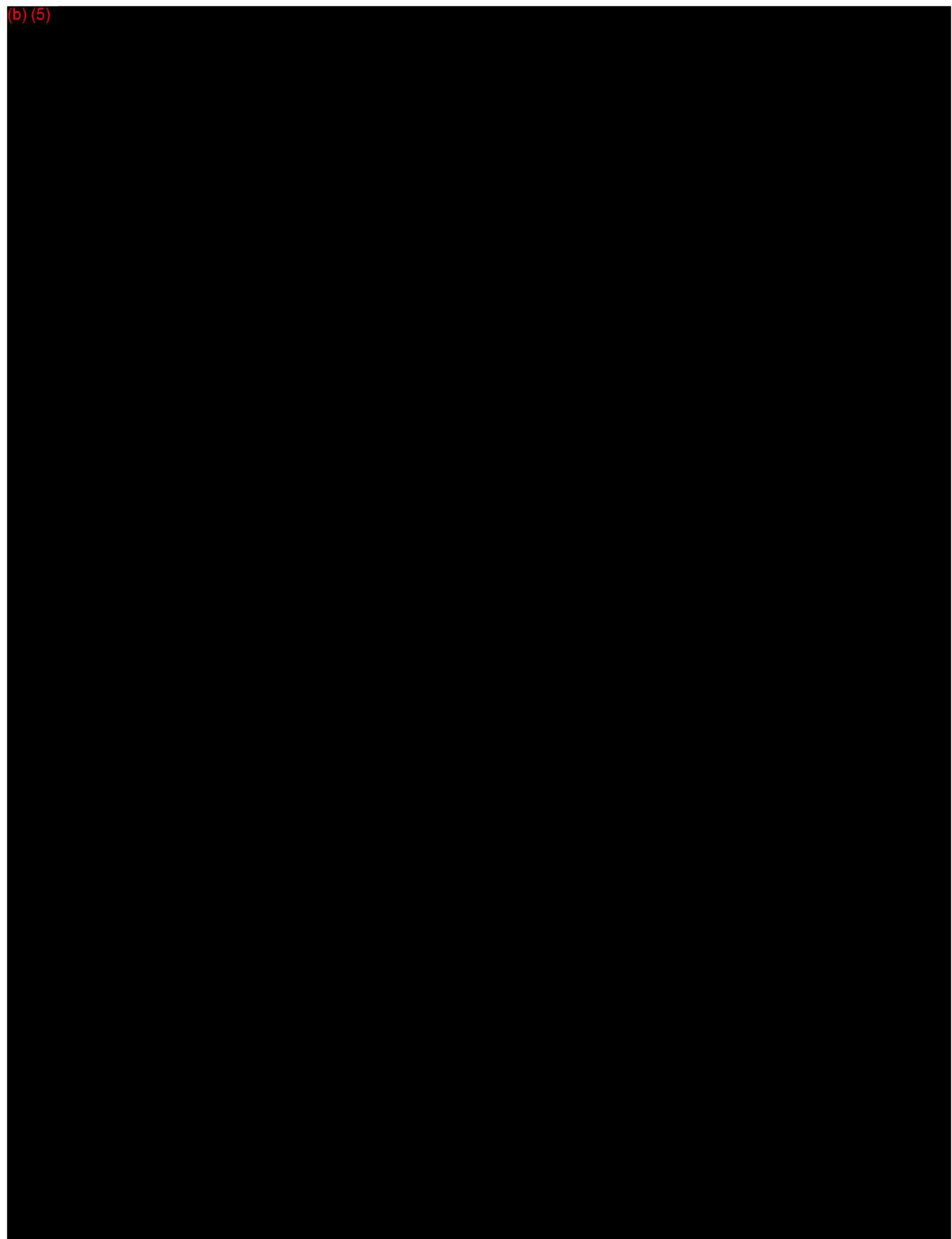
Theresa L. Pettigrew  
Associate Director for Legislative Affairs  
Council on Environmental Quality  
(b) (6) (direct)

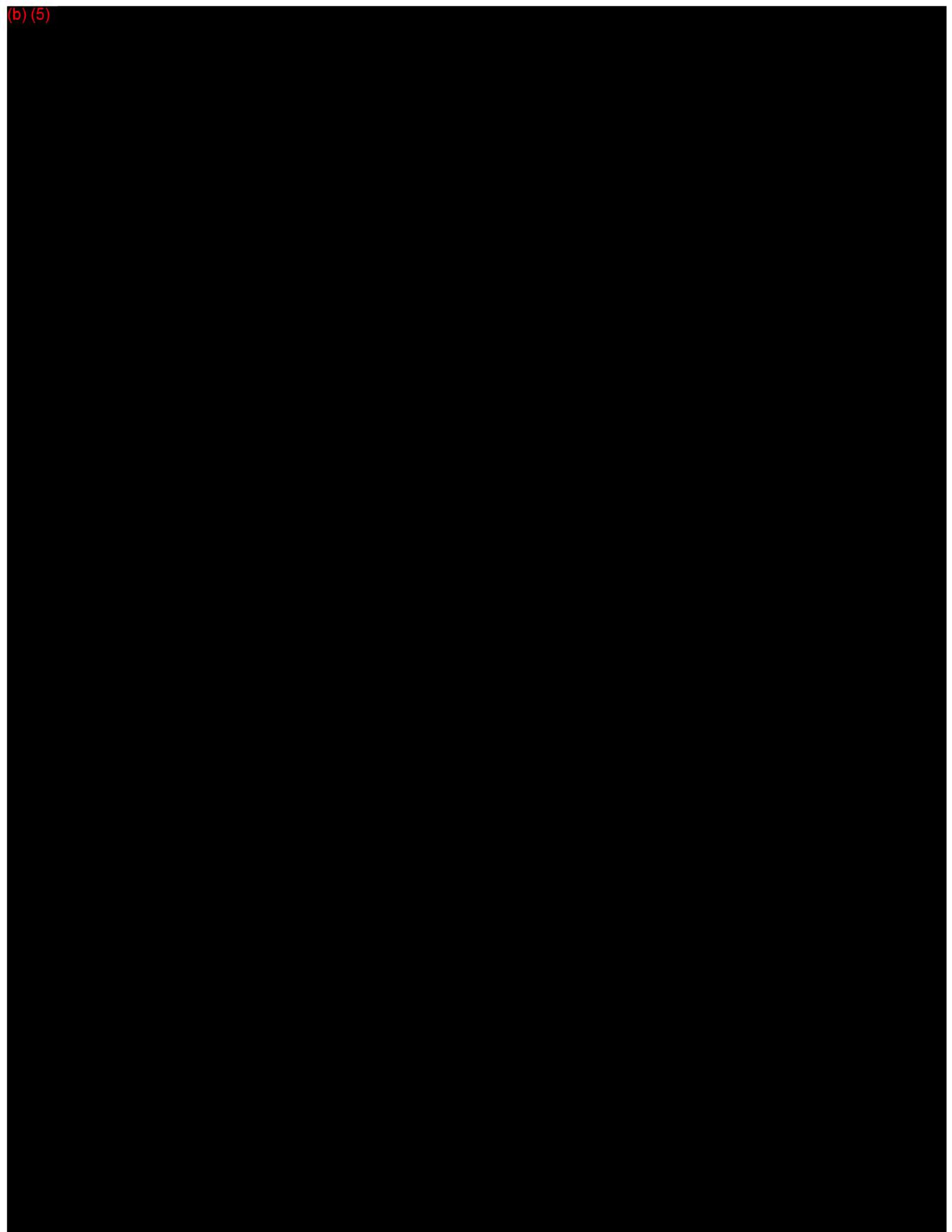


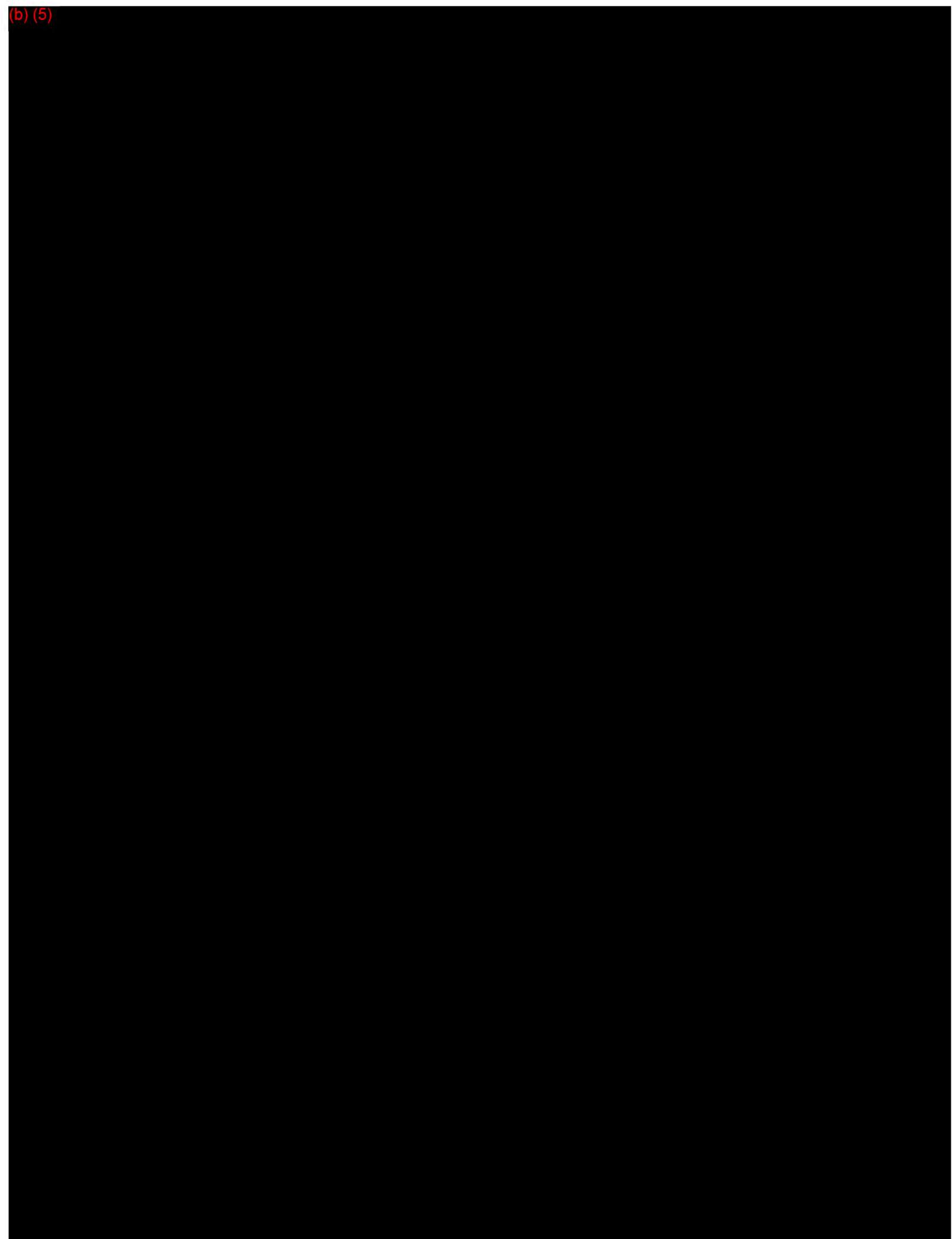


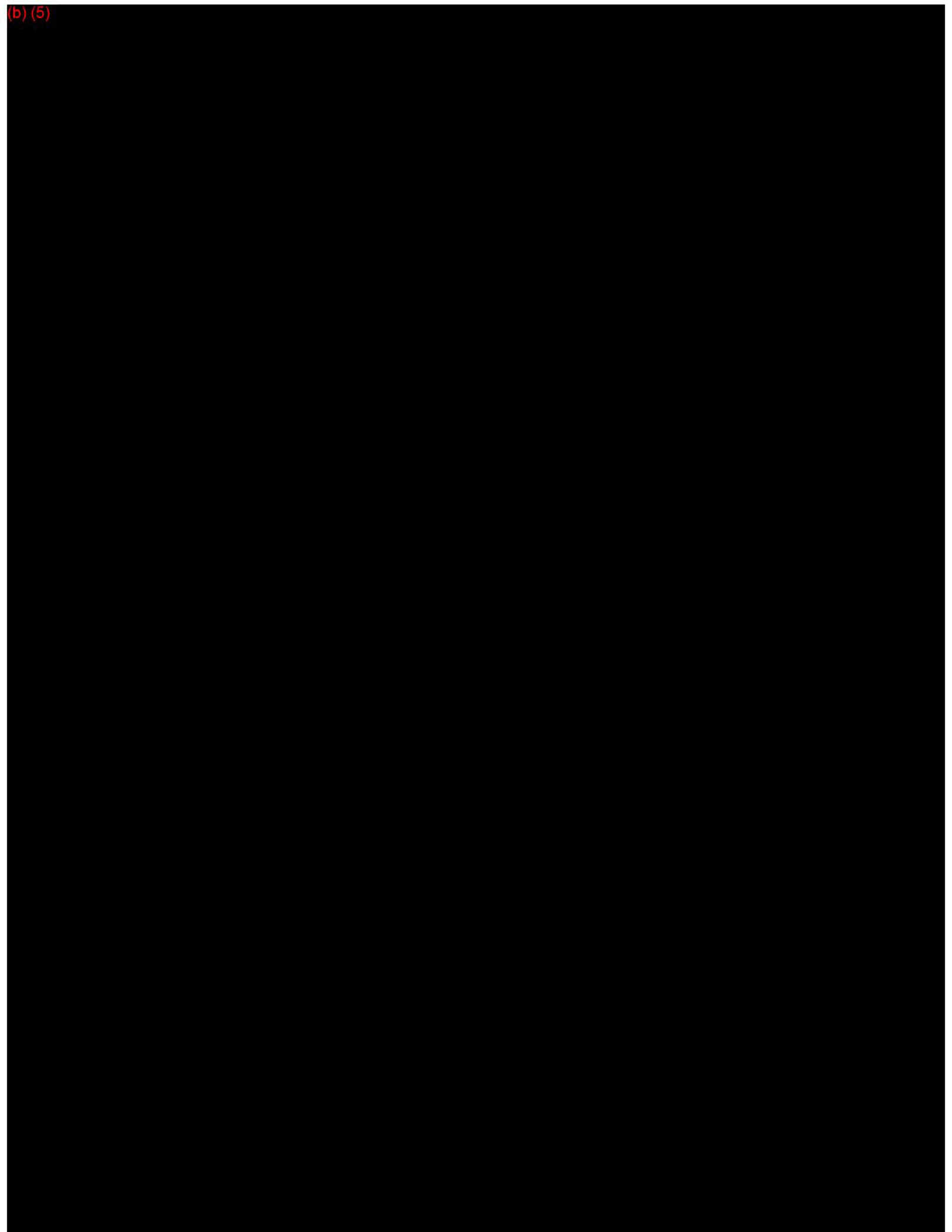


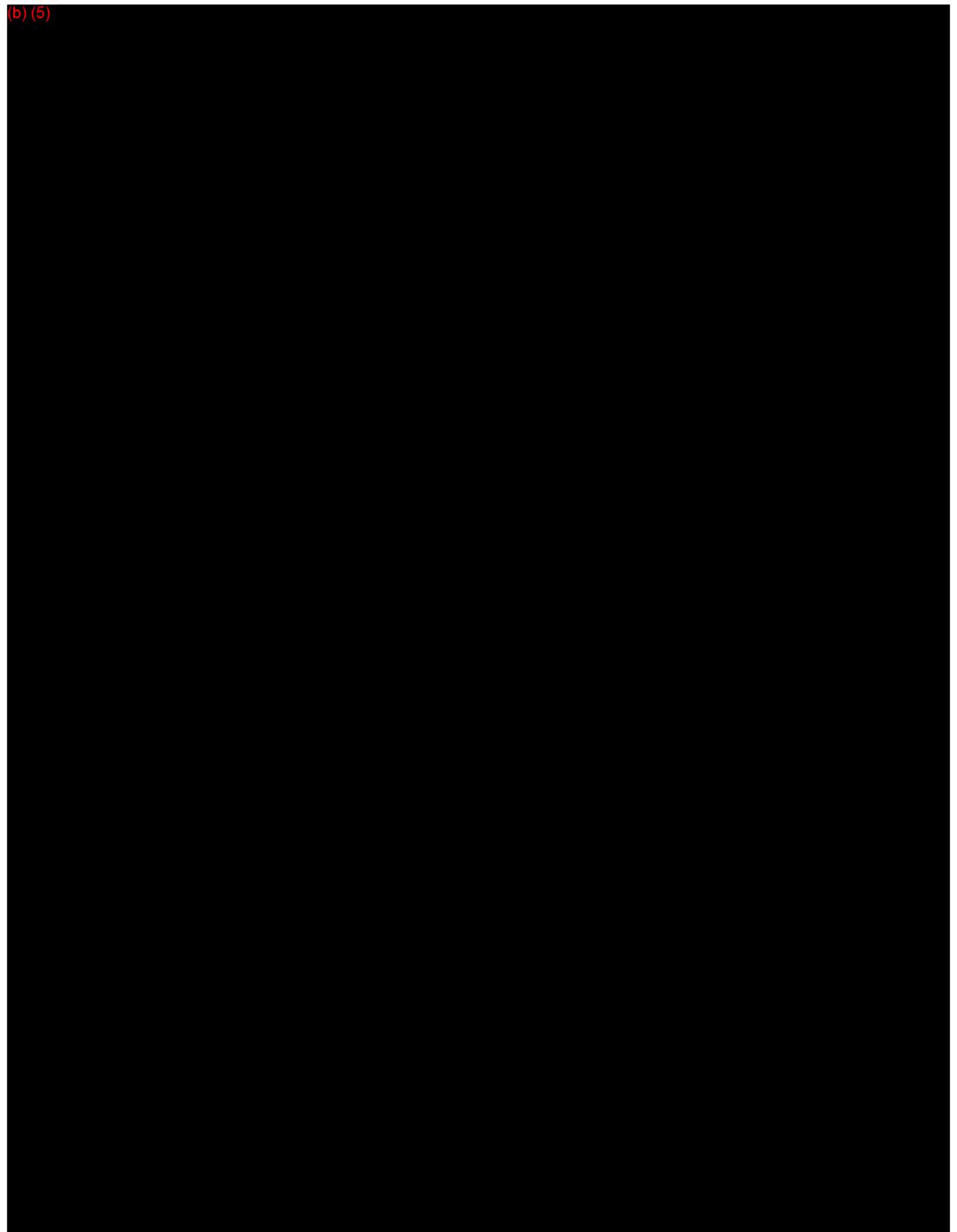


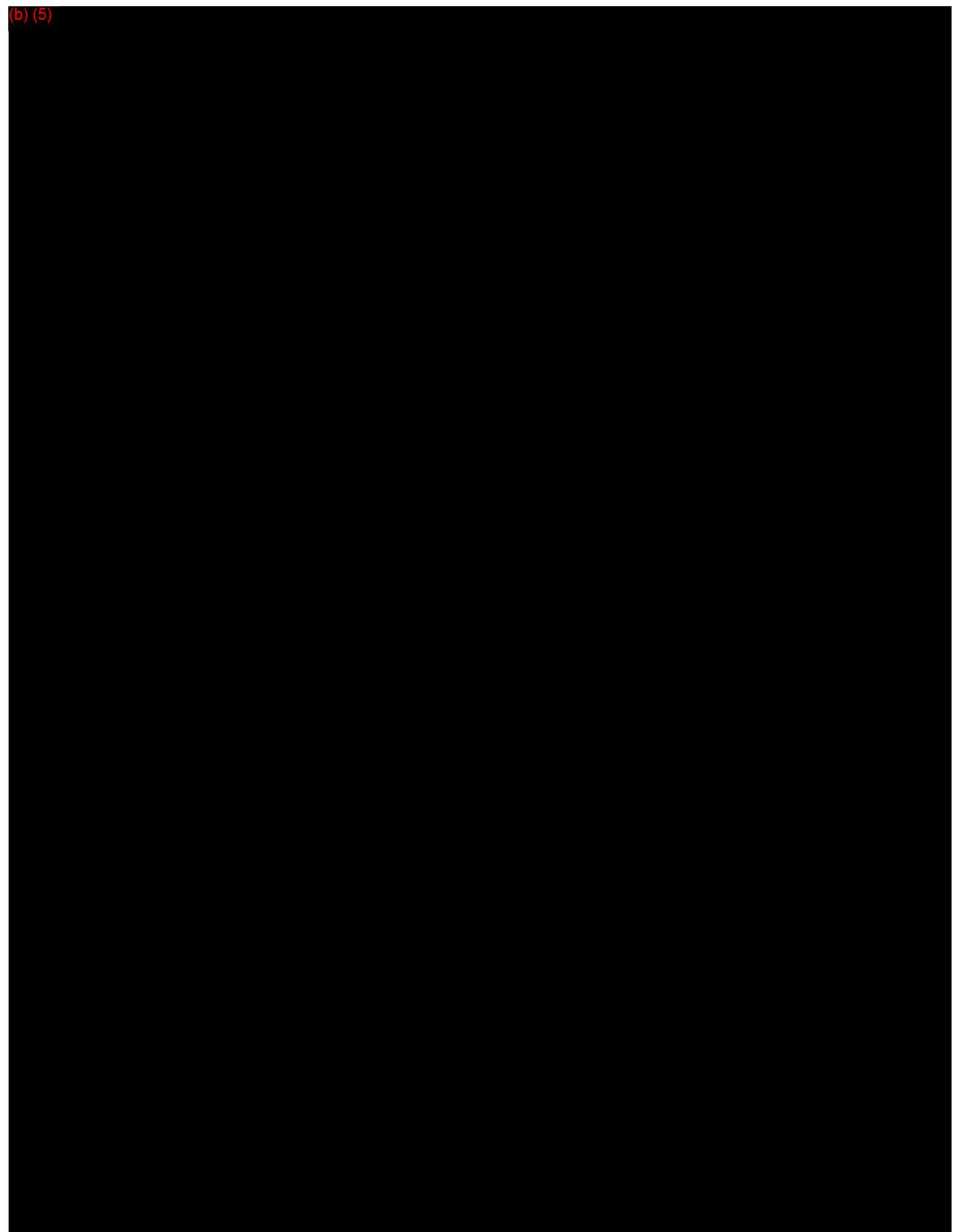




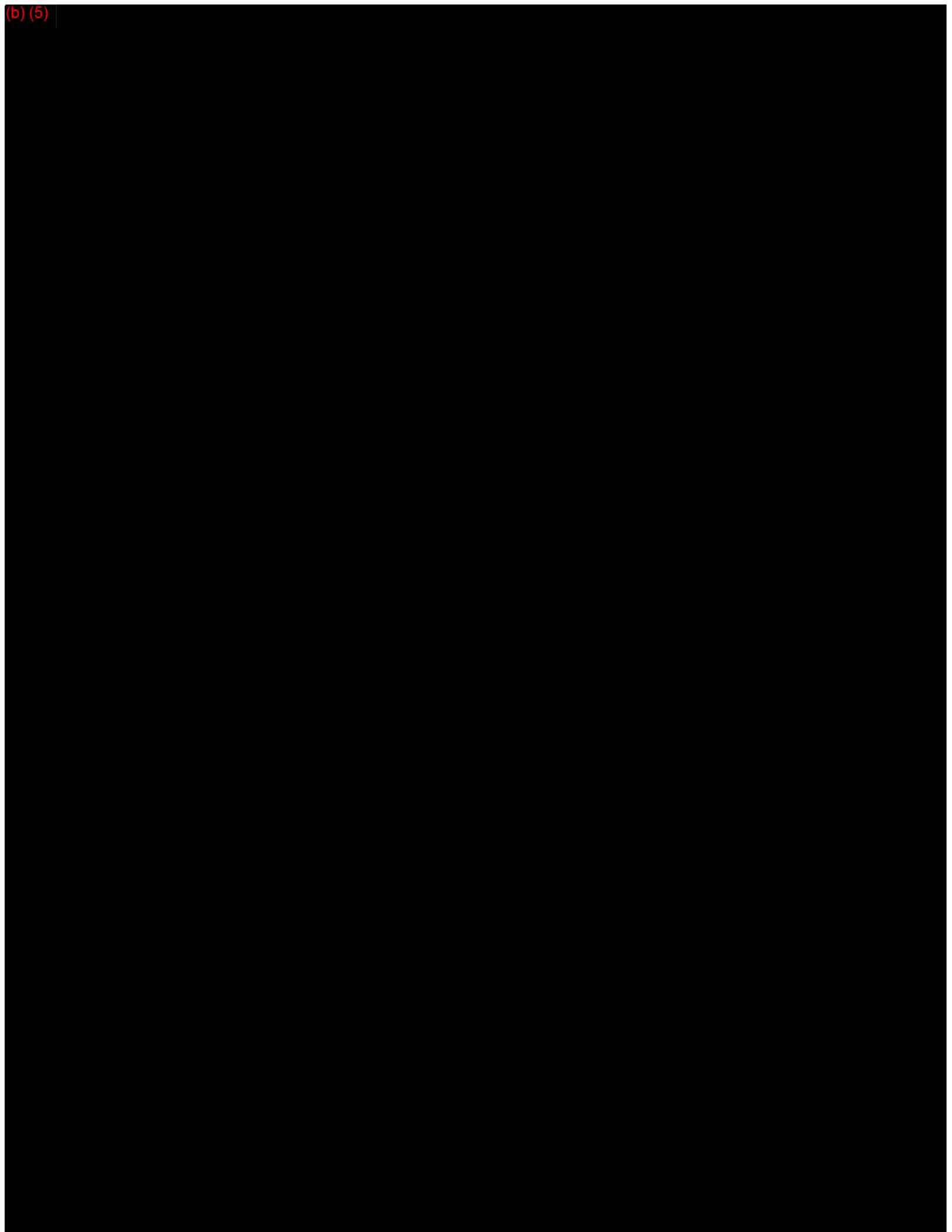


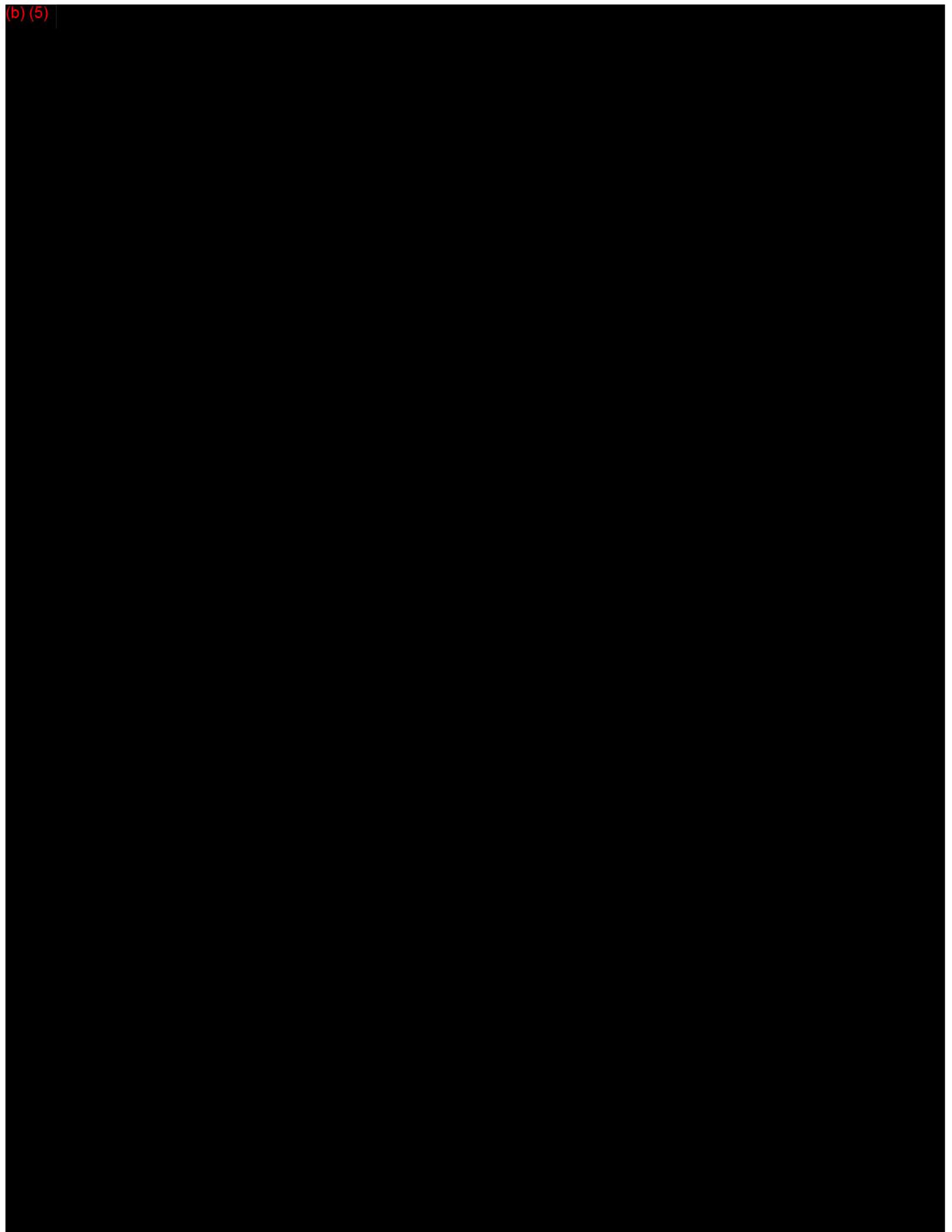


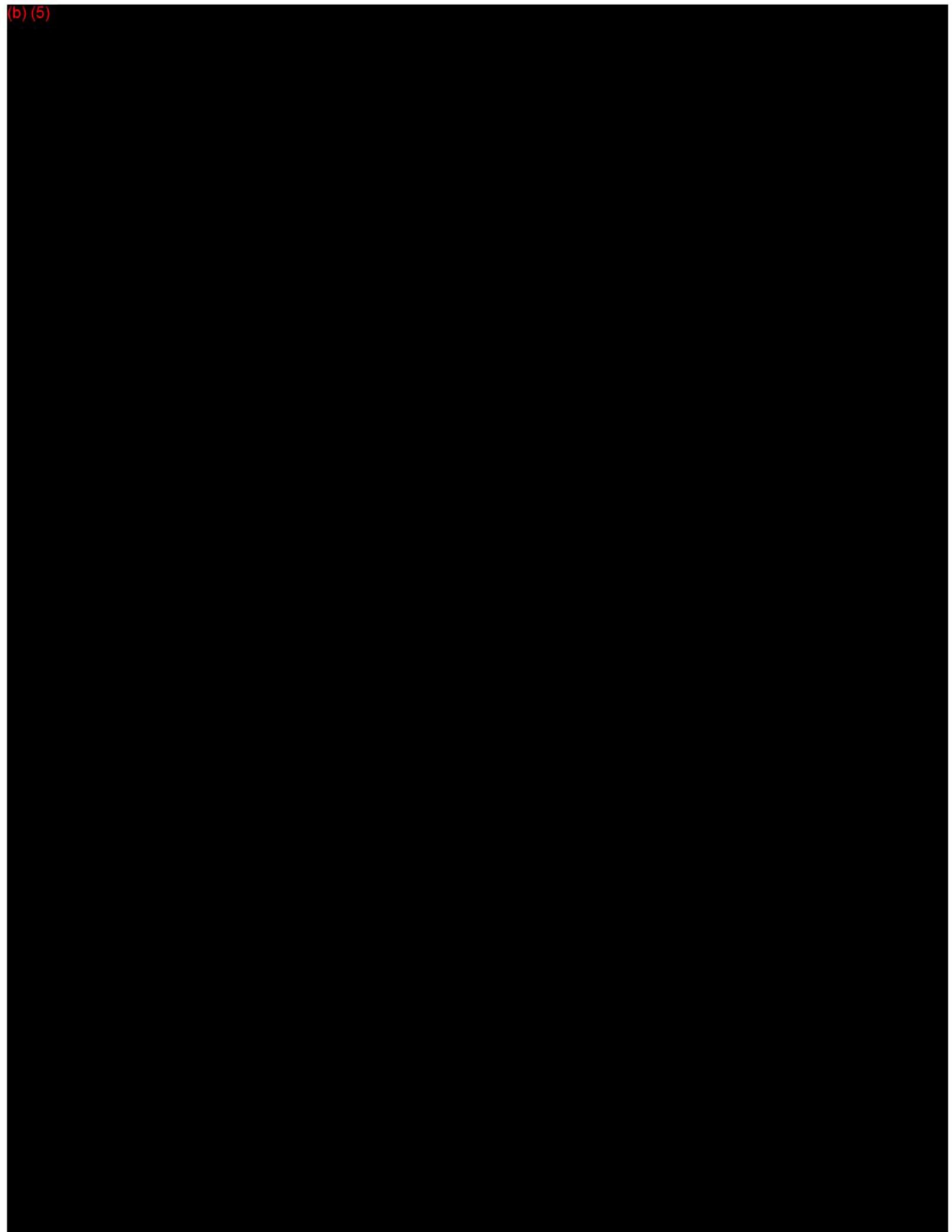


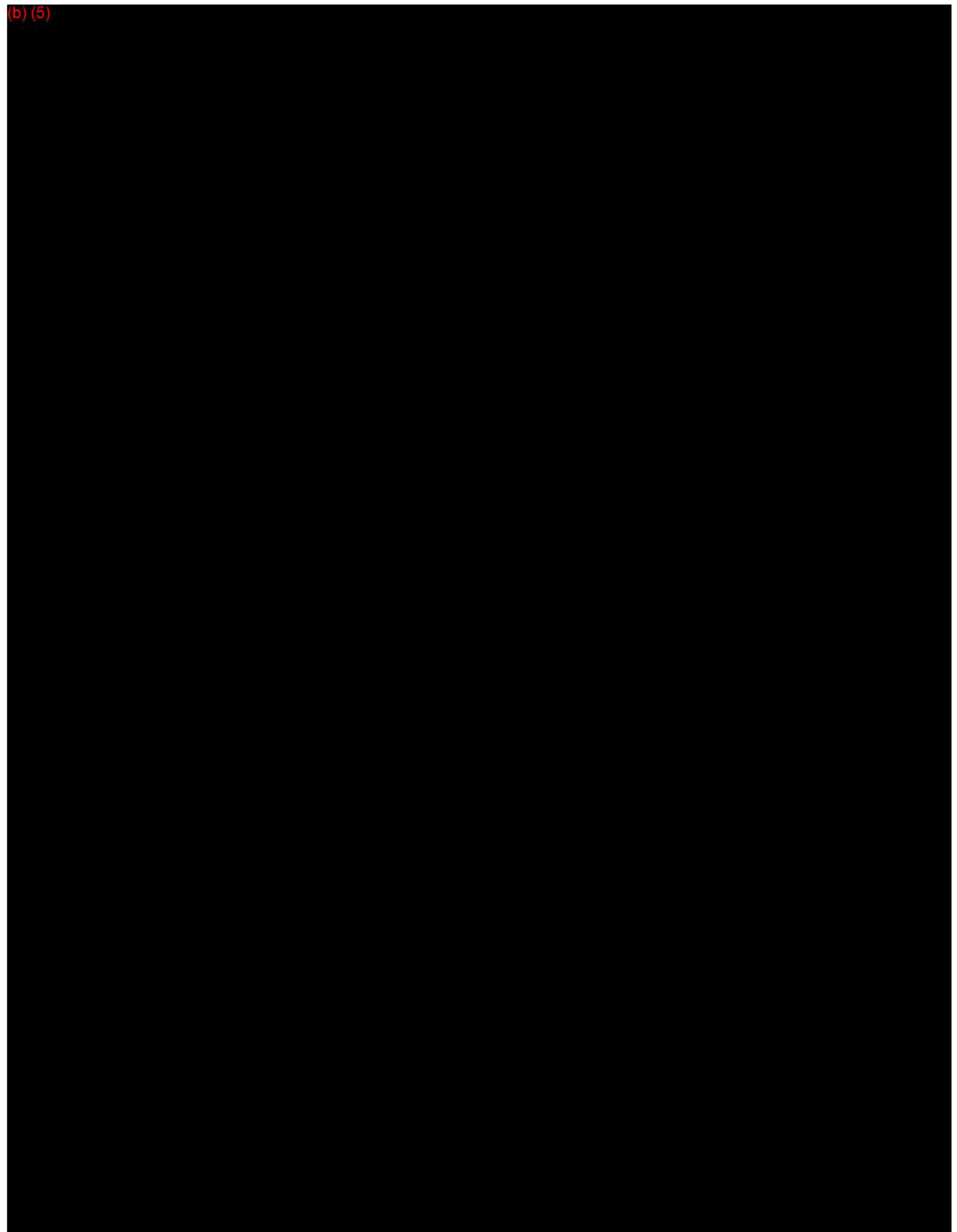


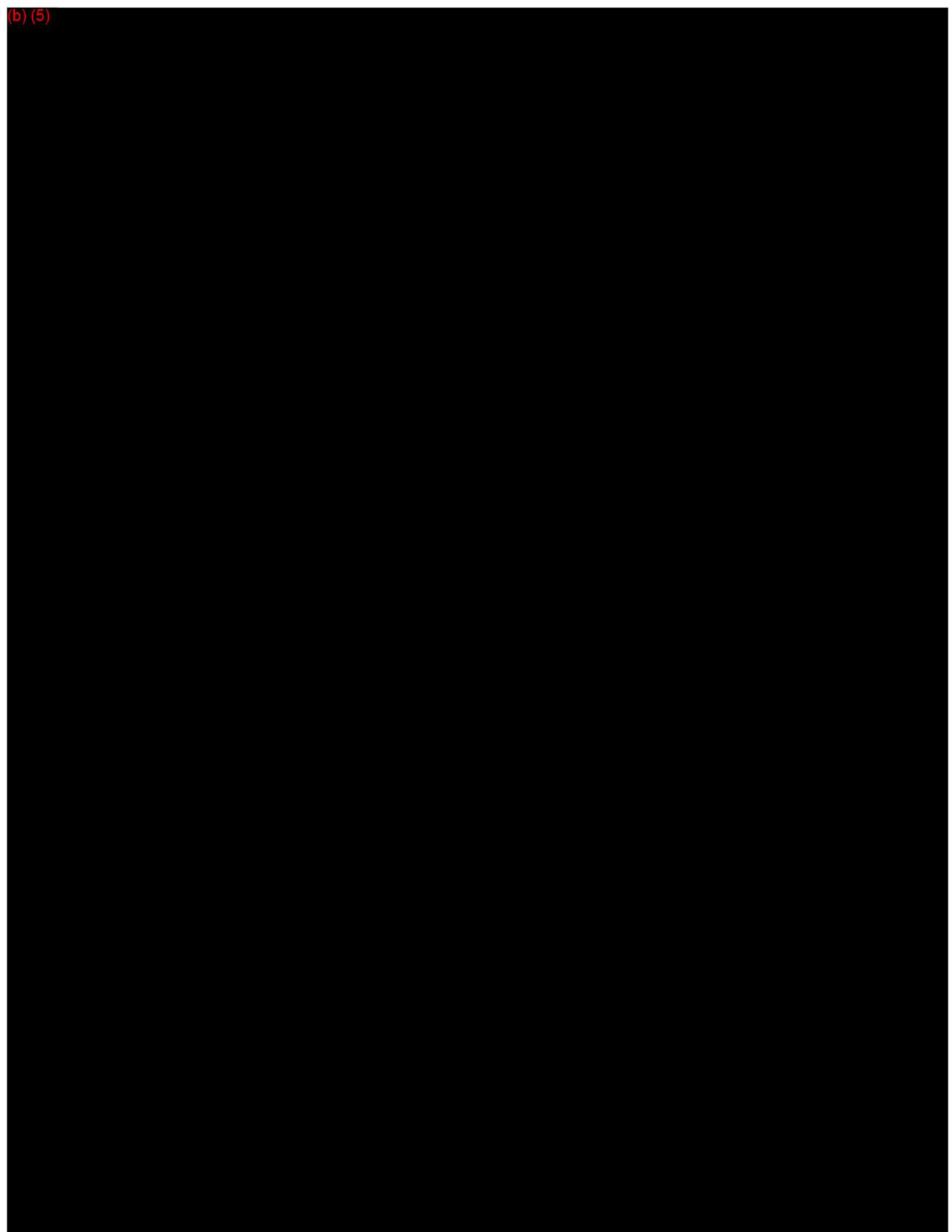
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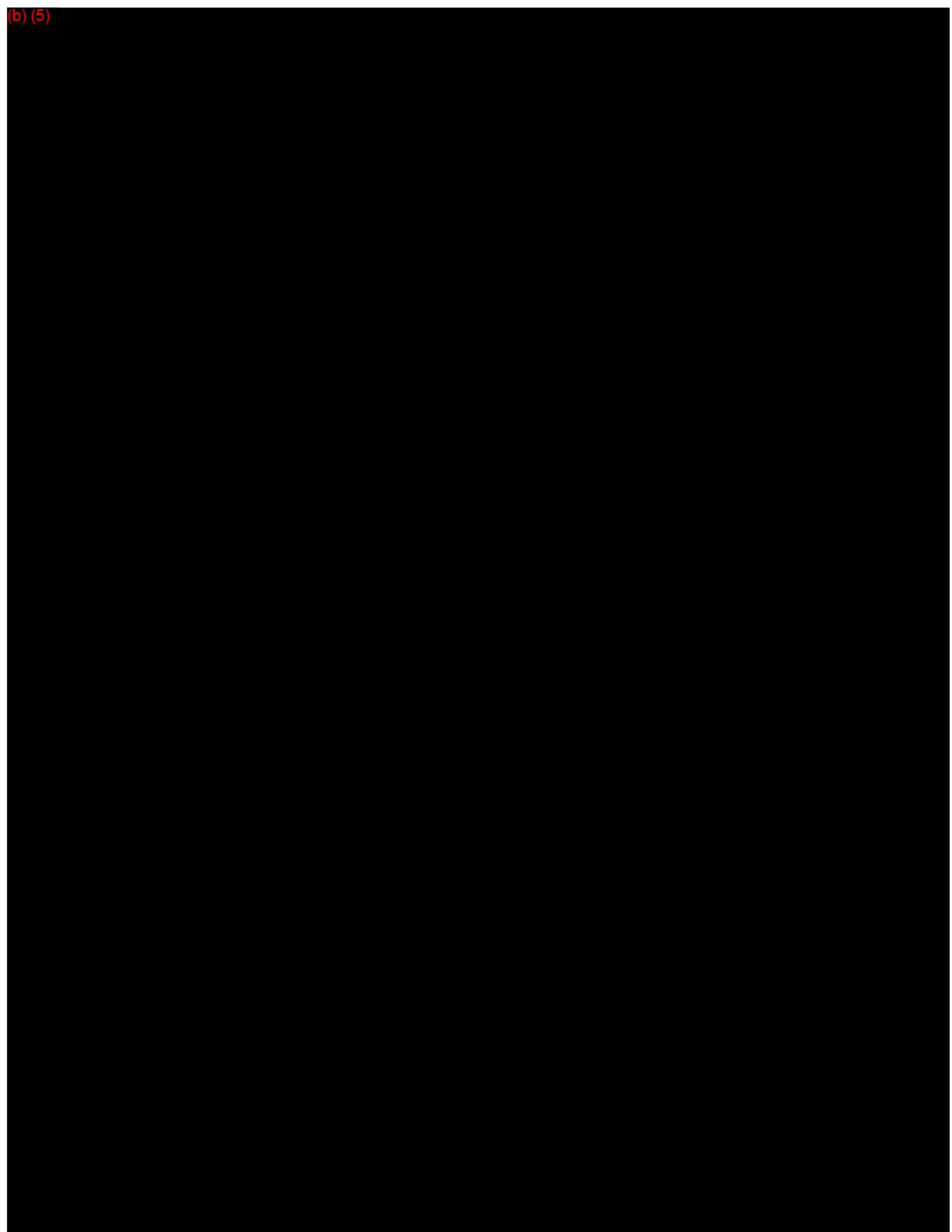




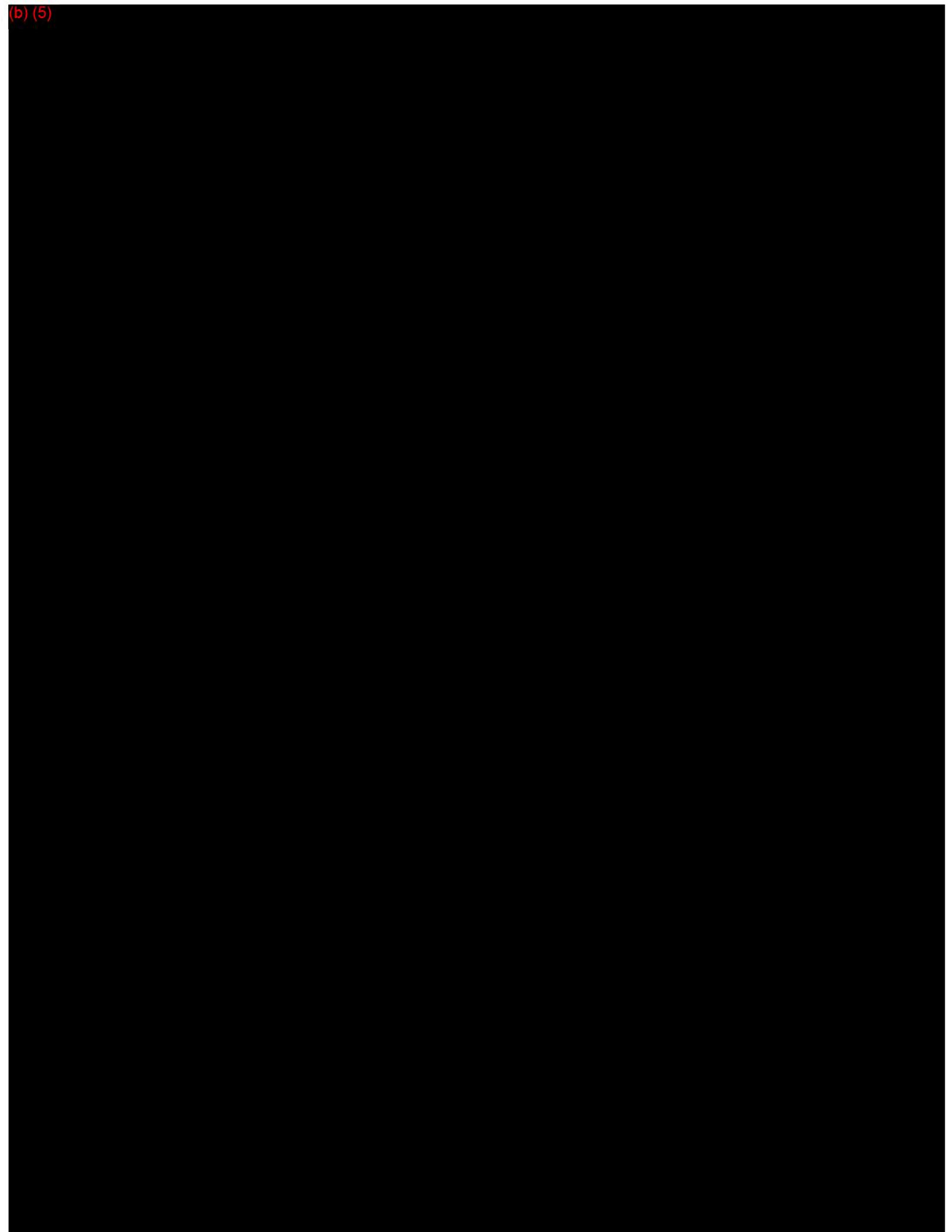


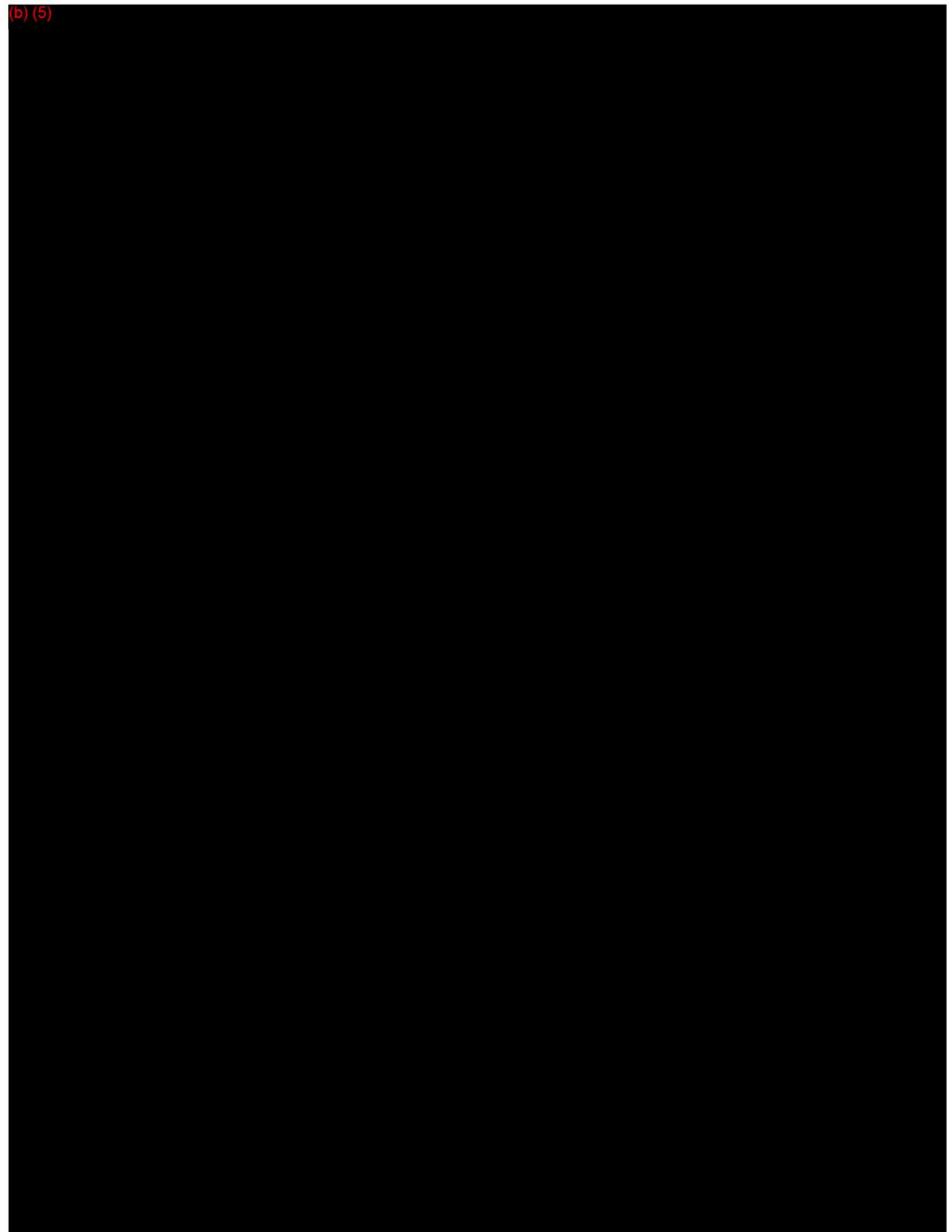


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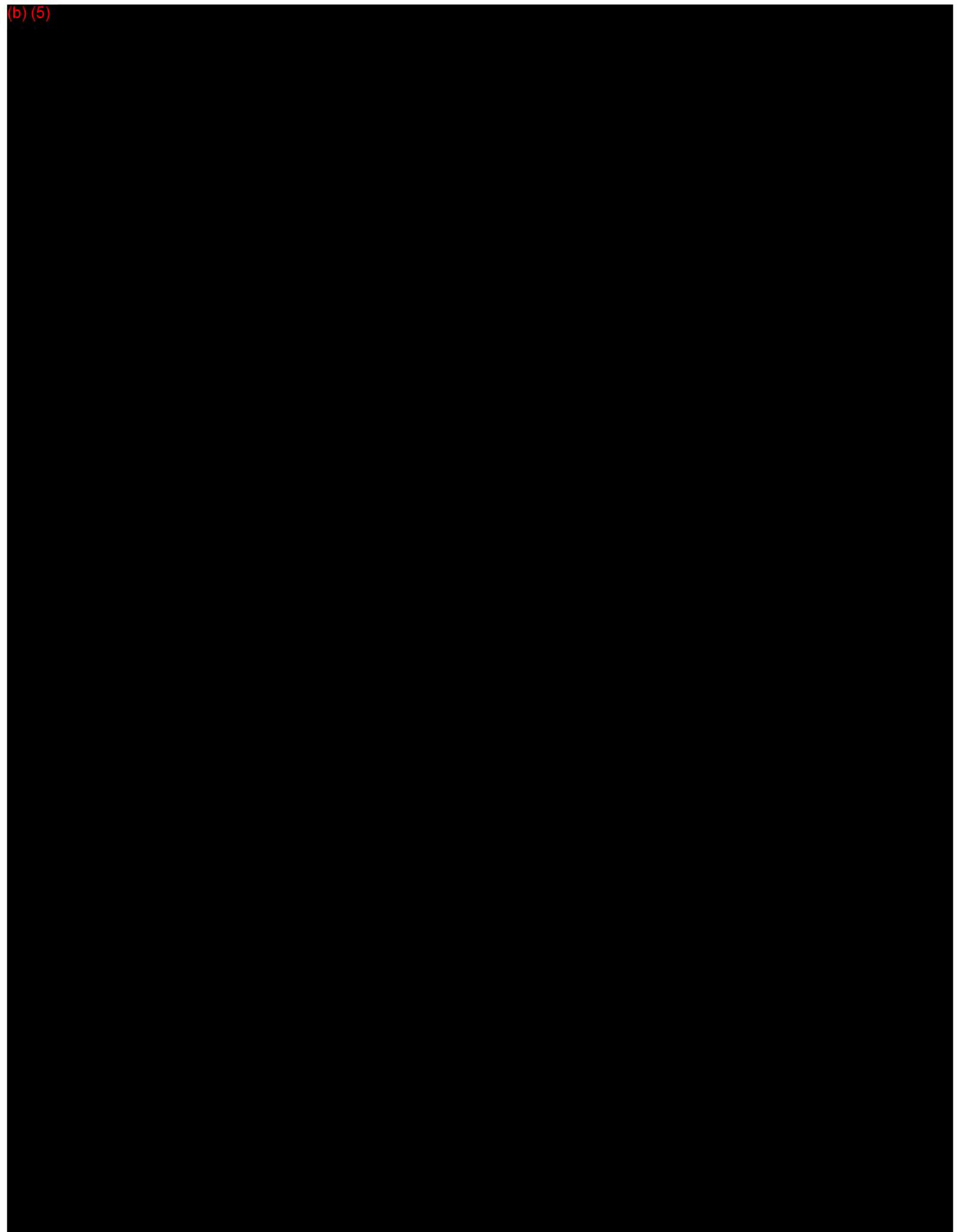


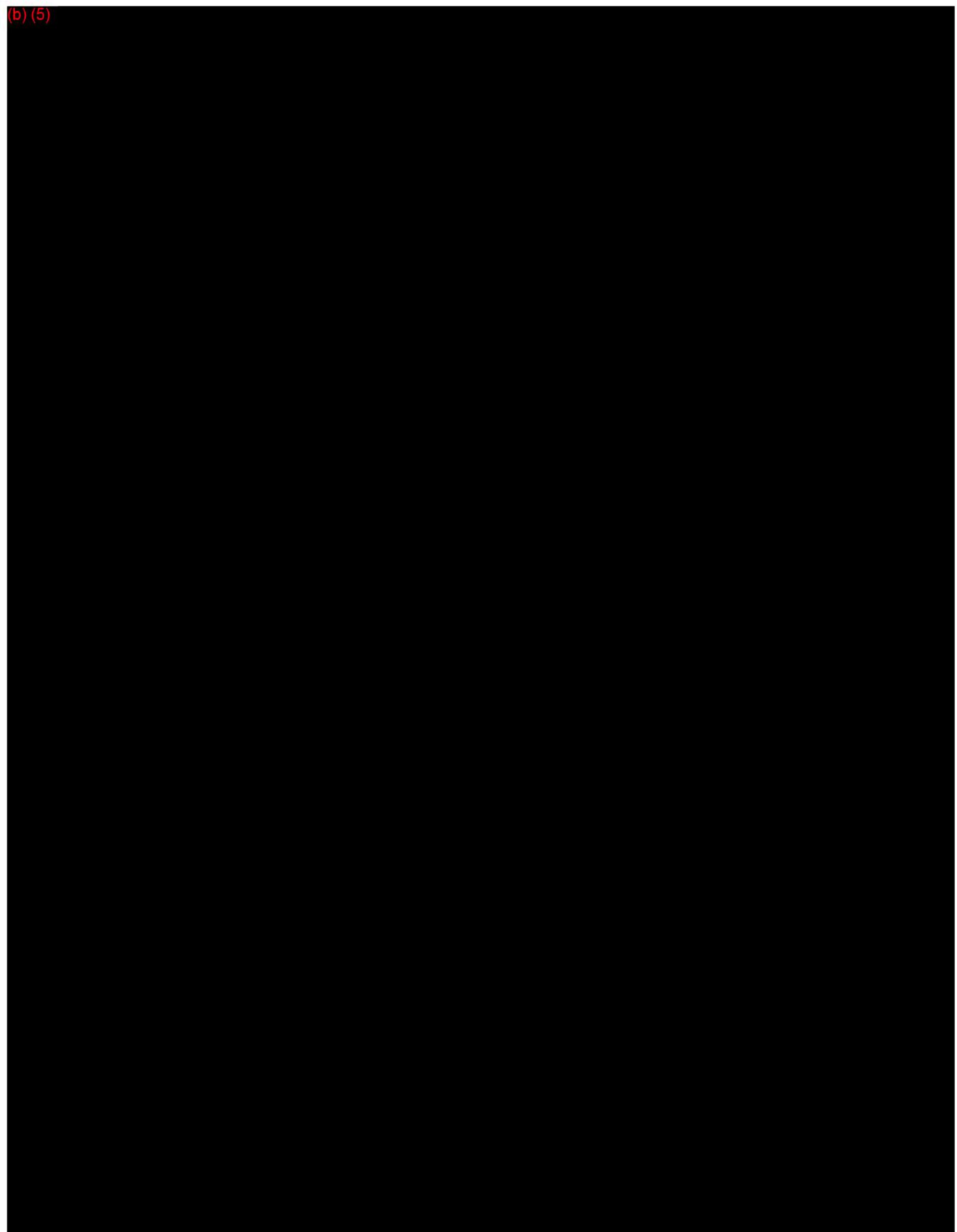
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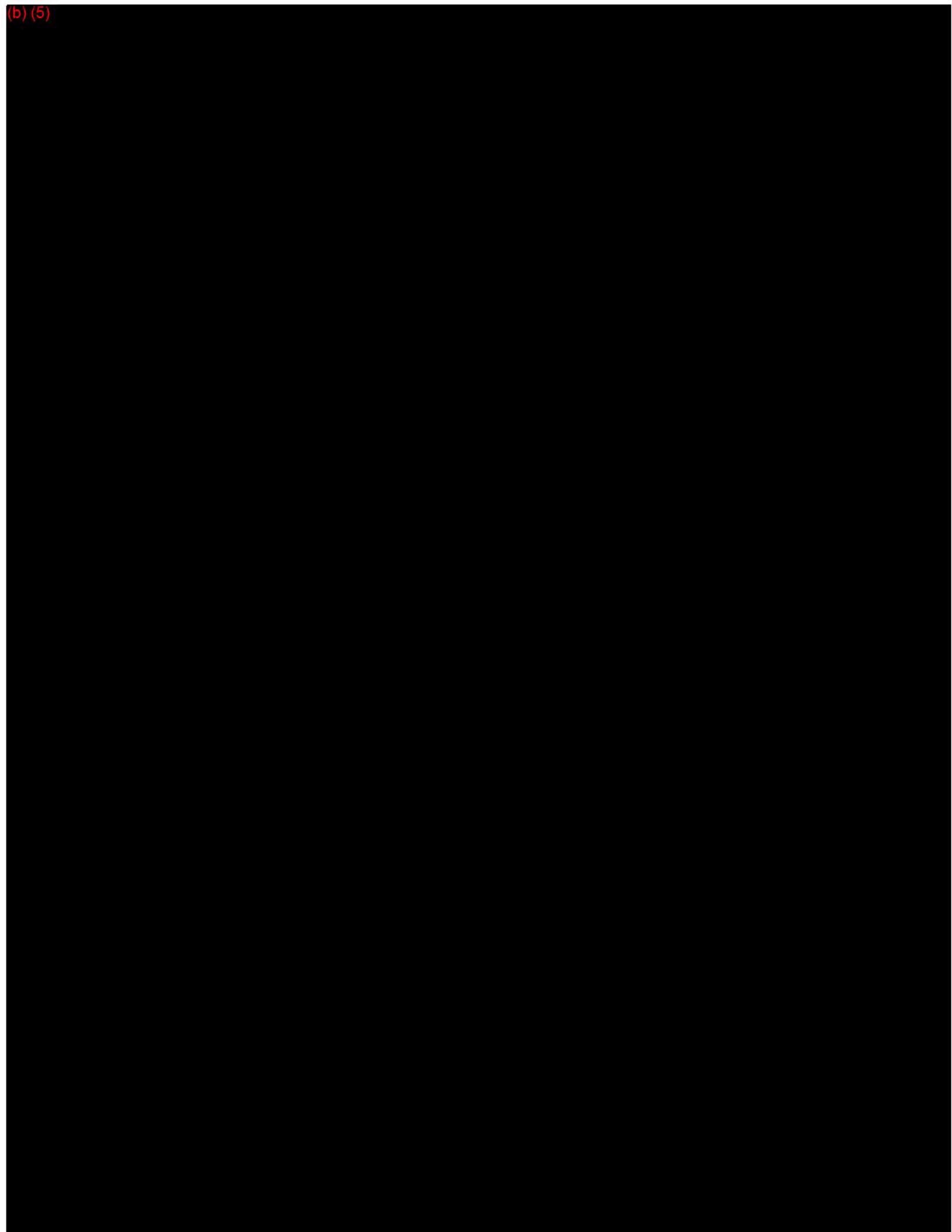


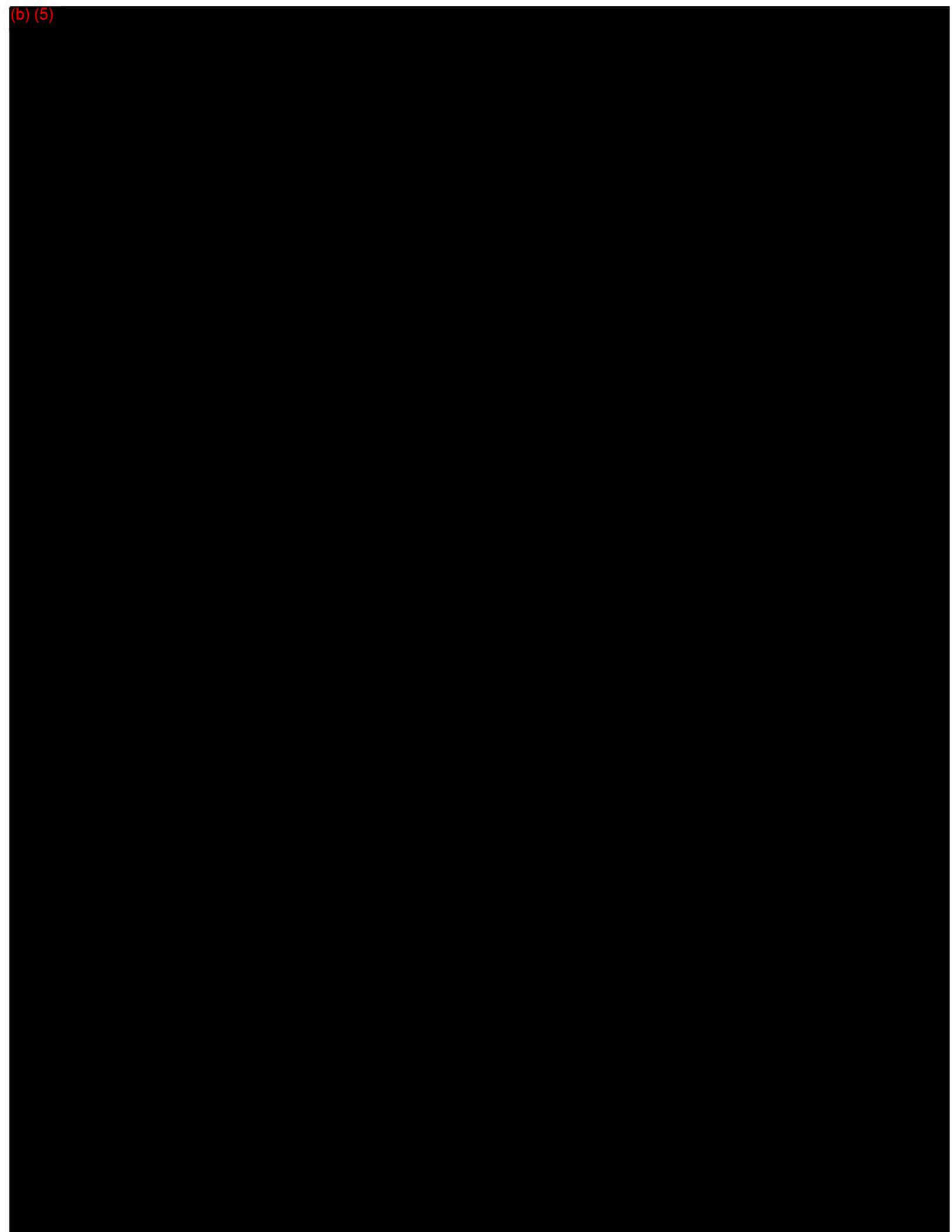
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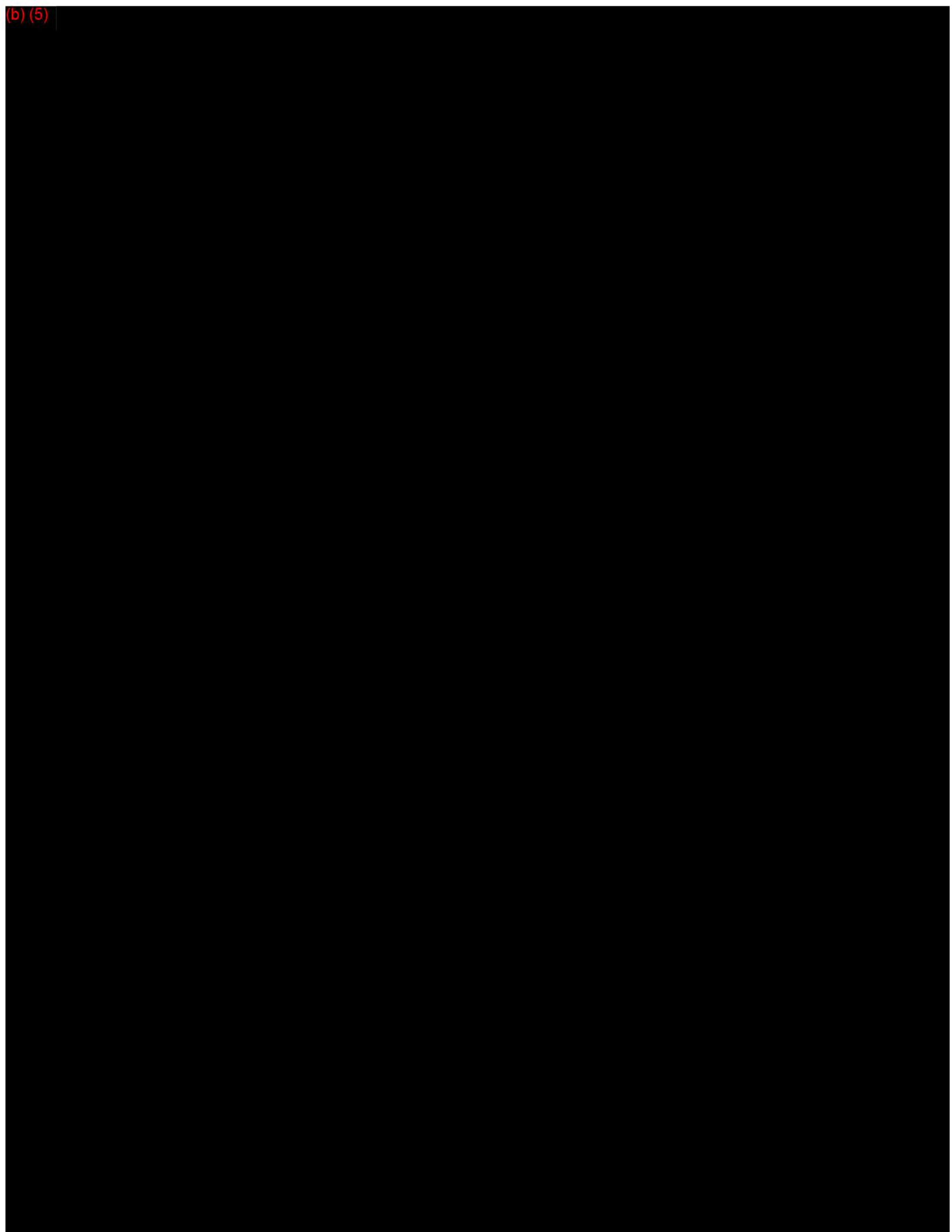


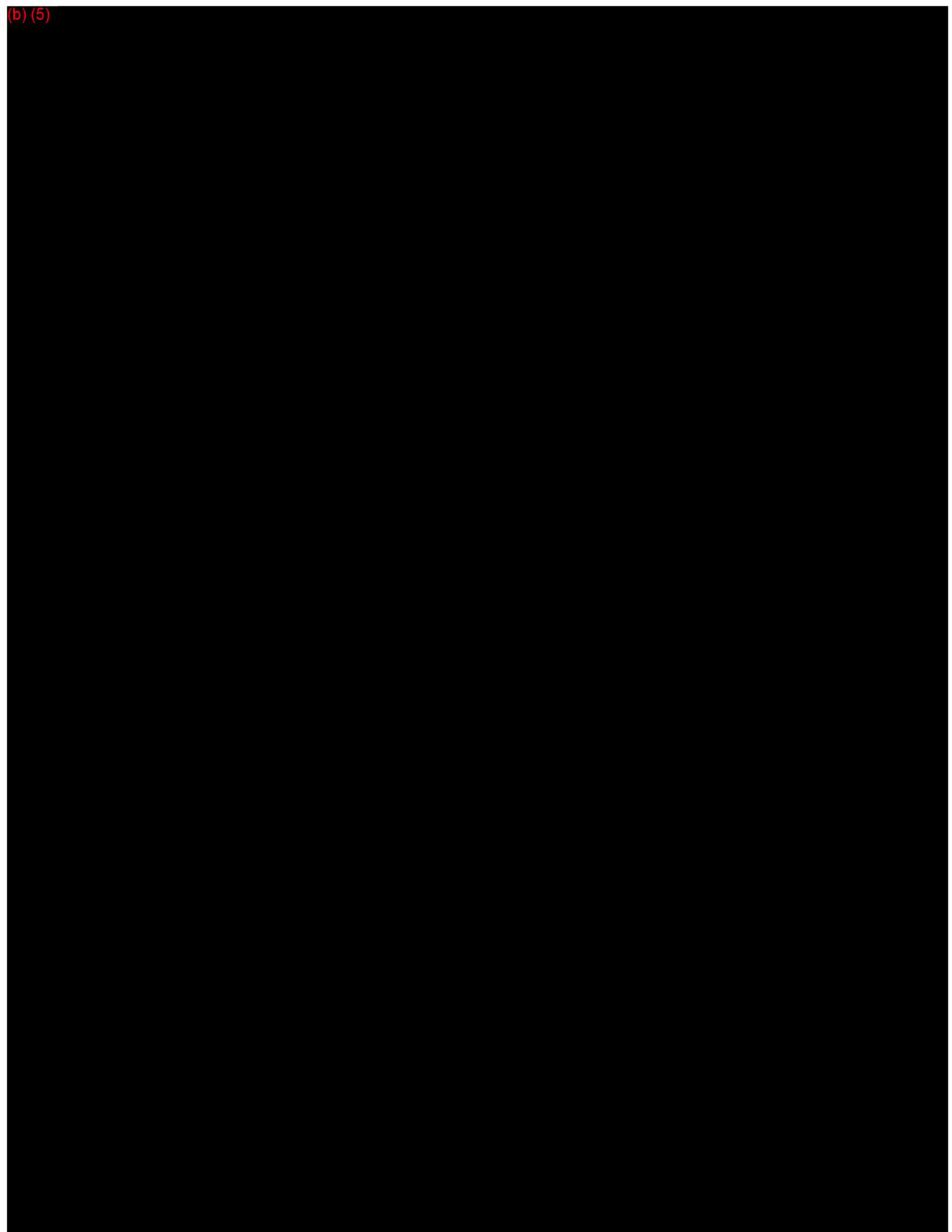


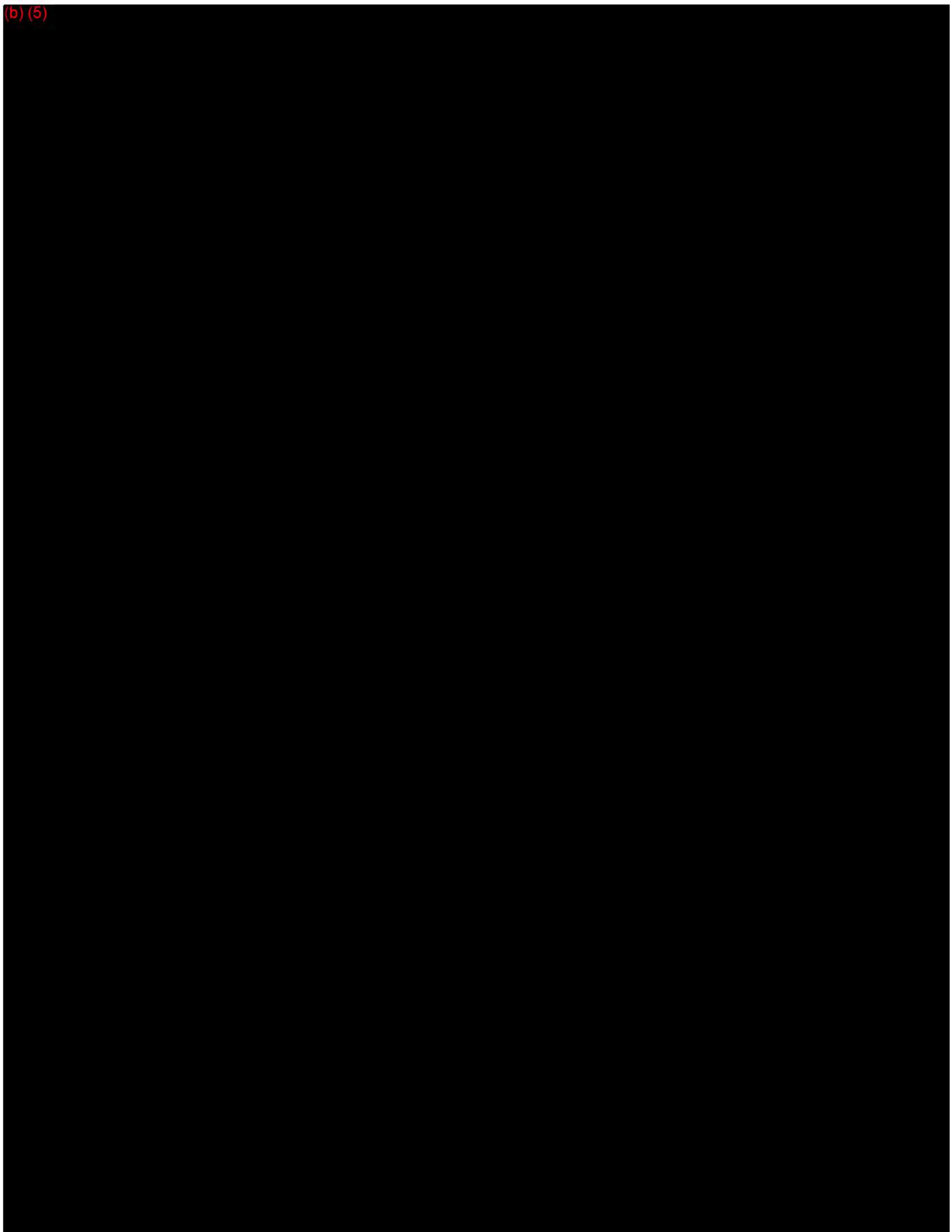
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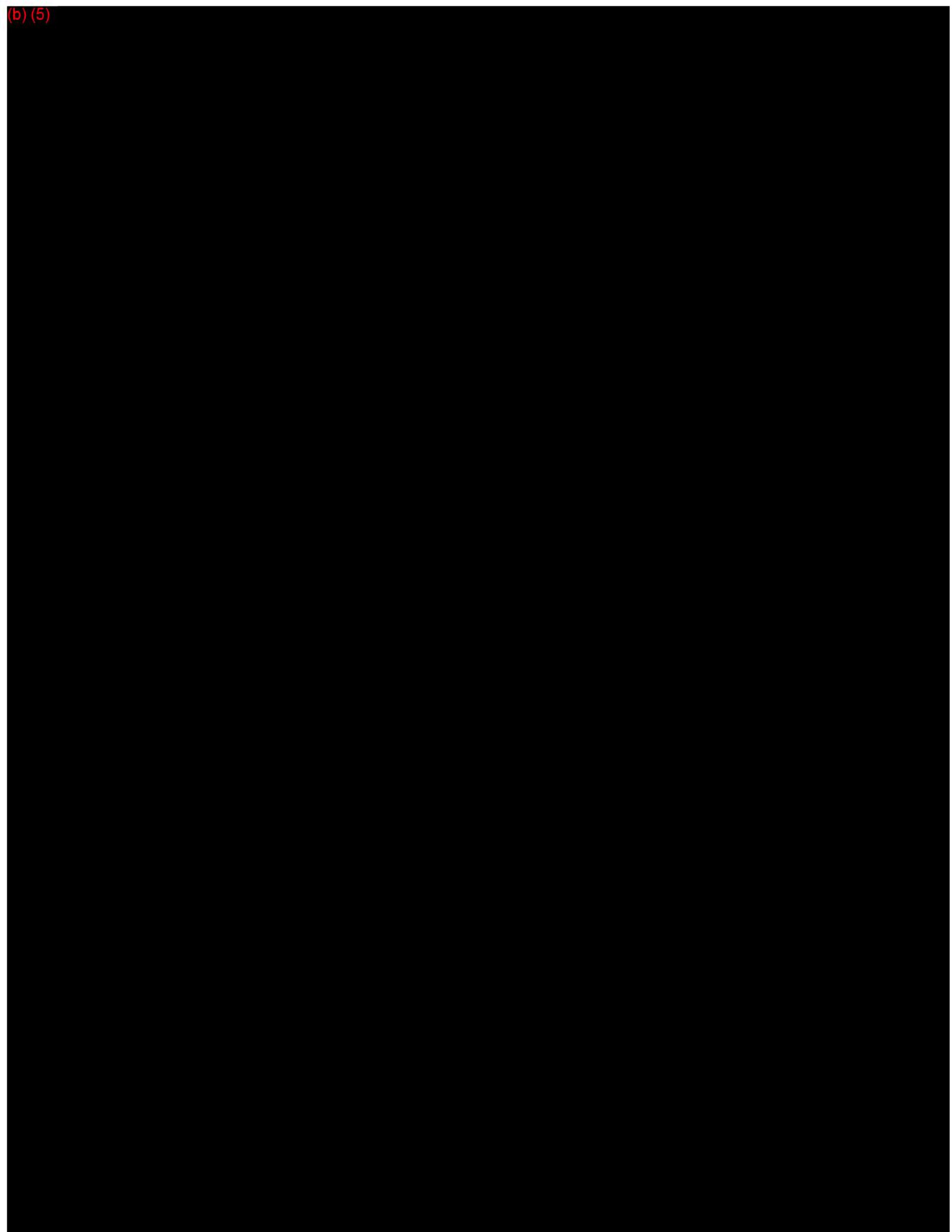




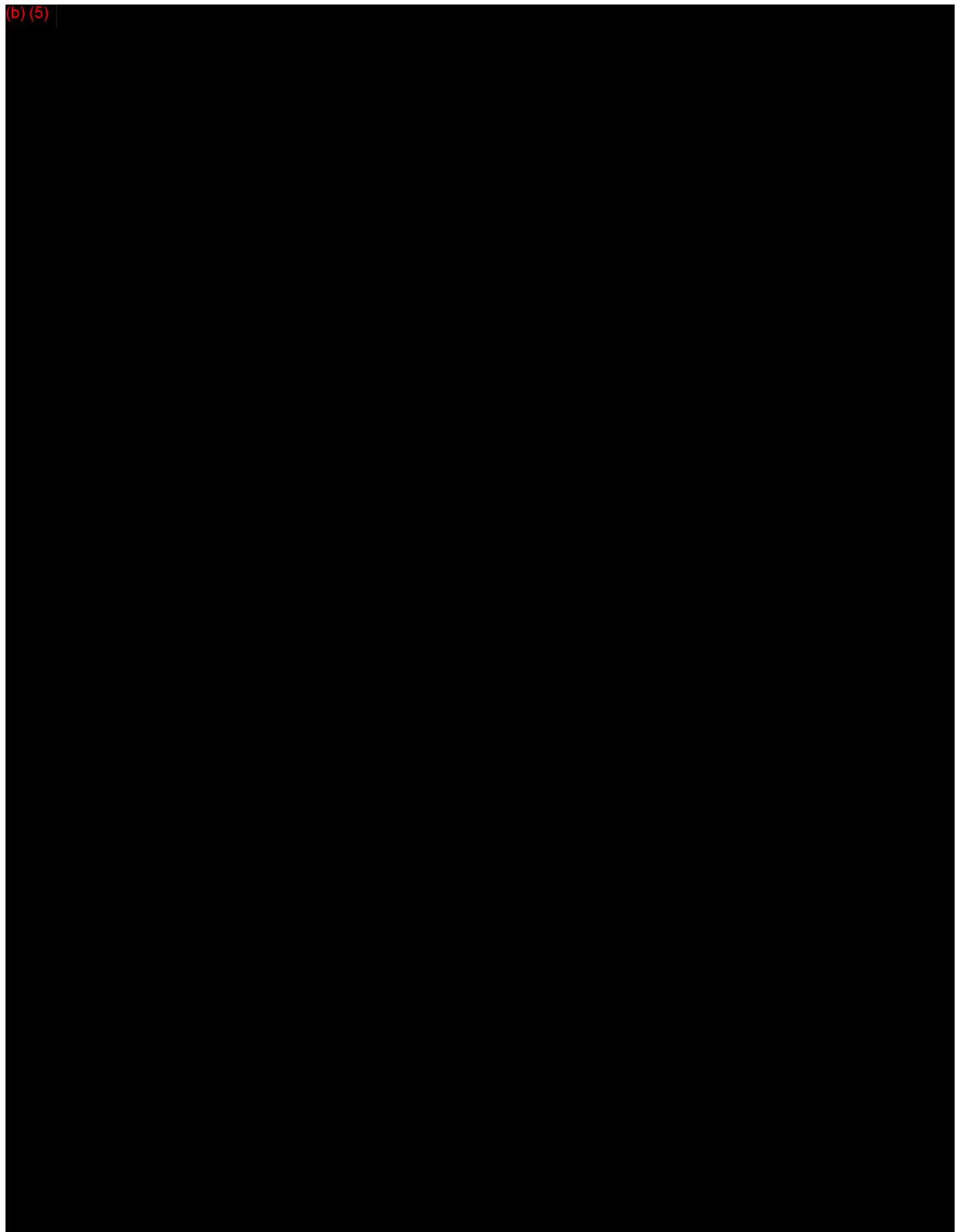


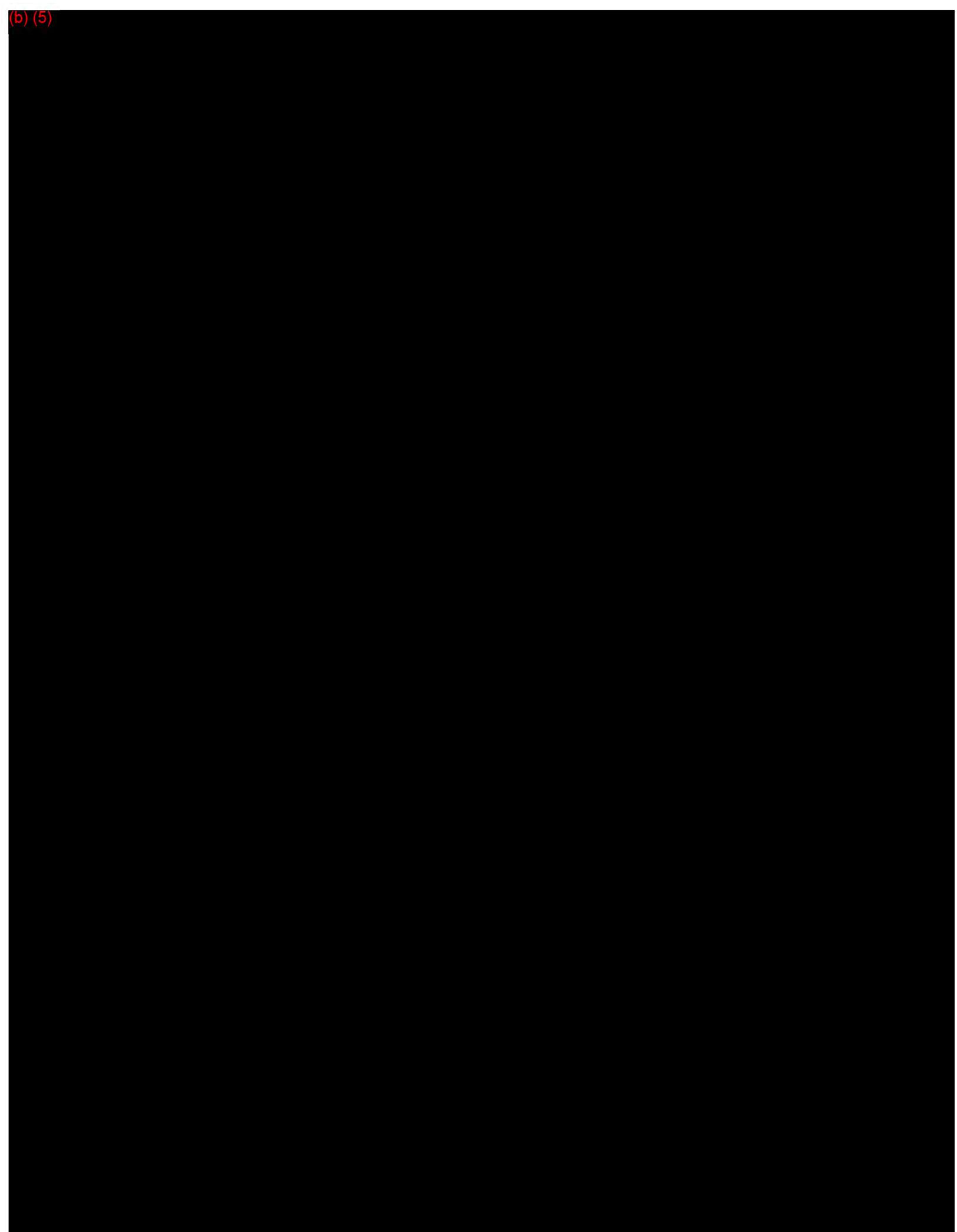




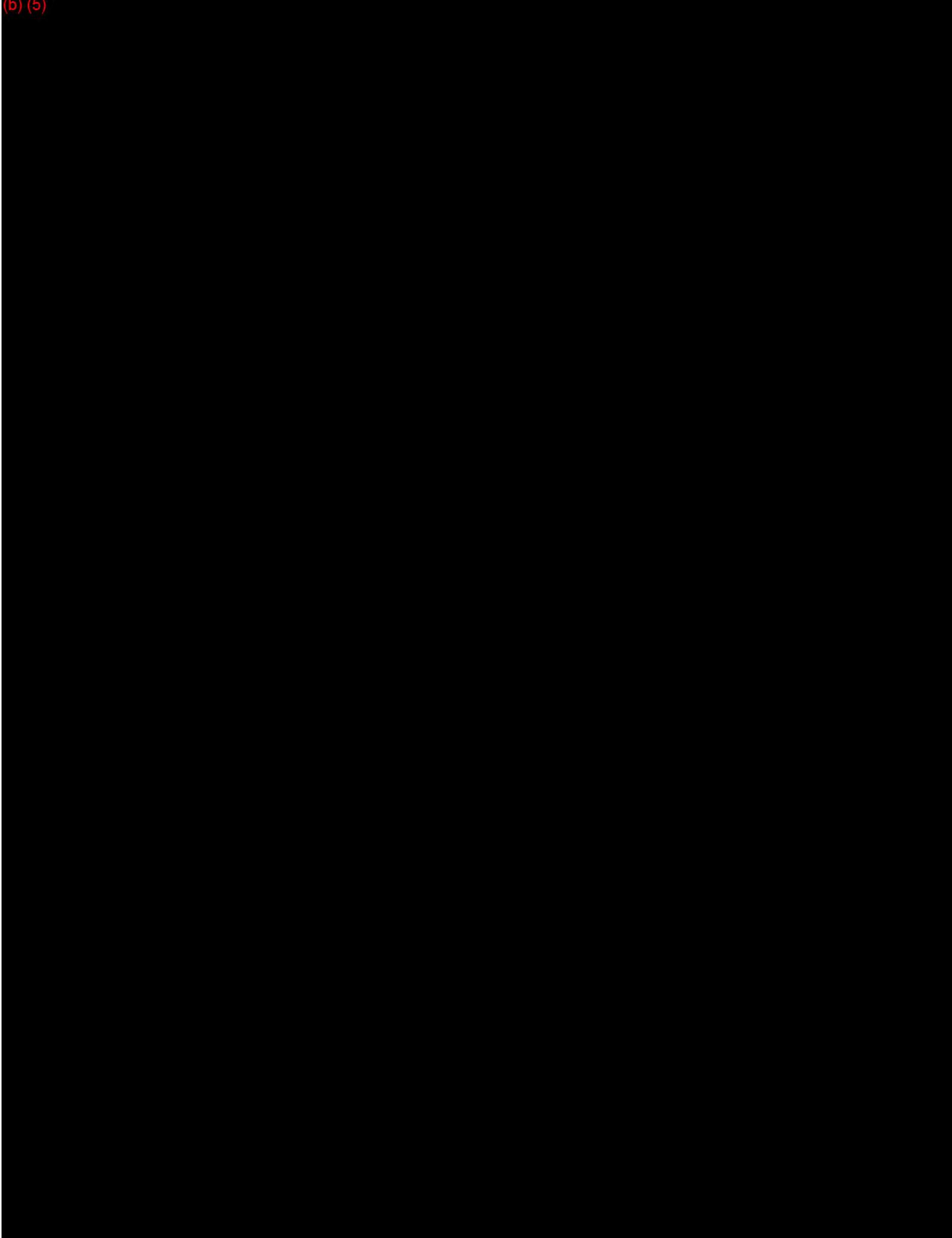


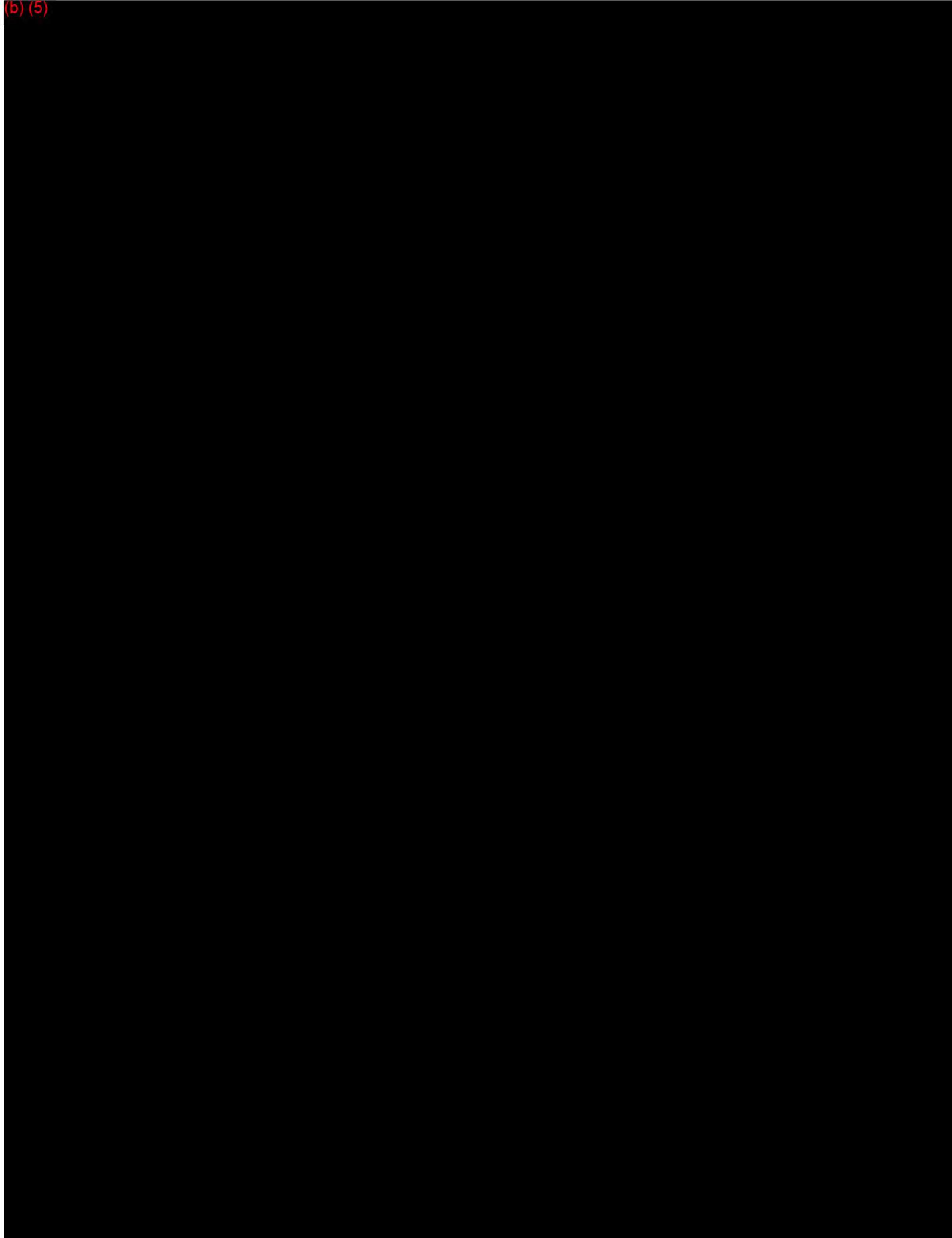
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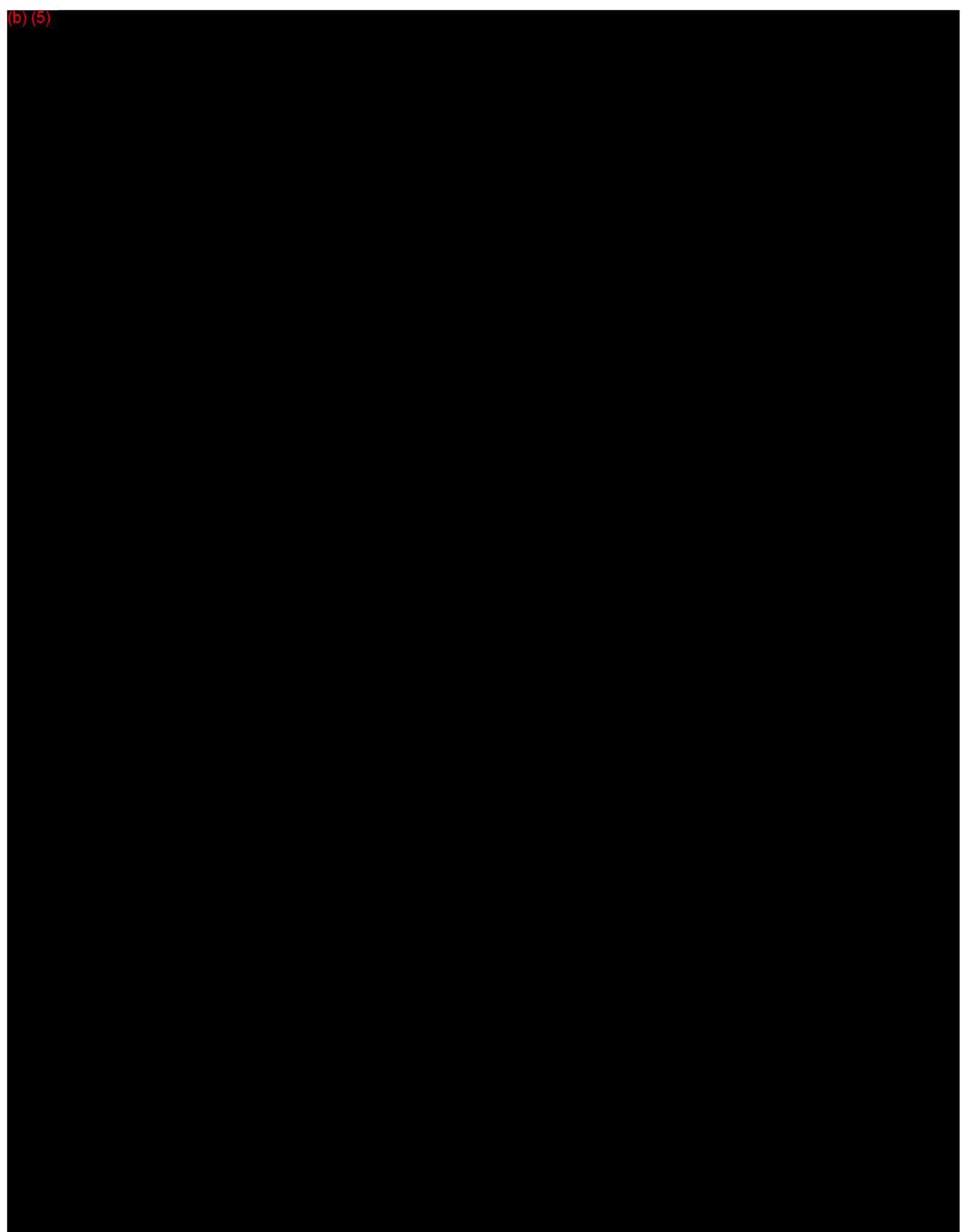




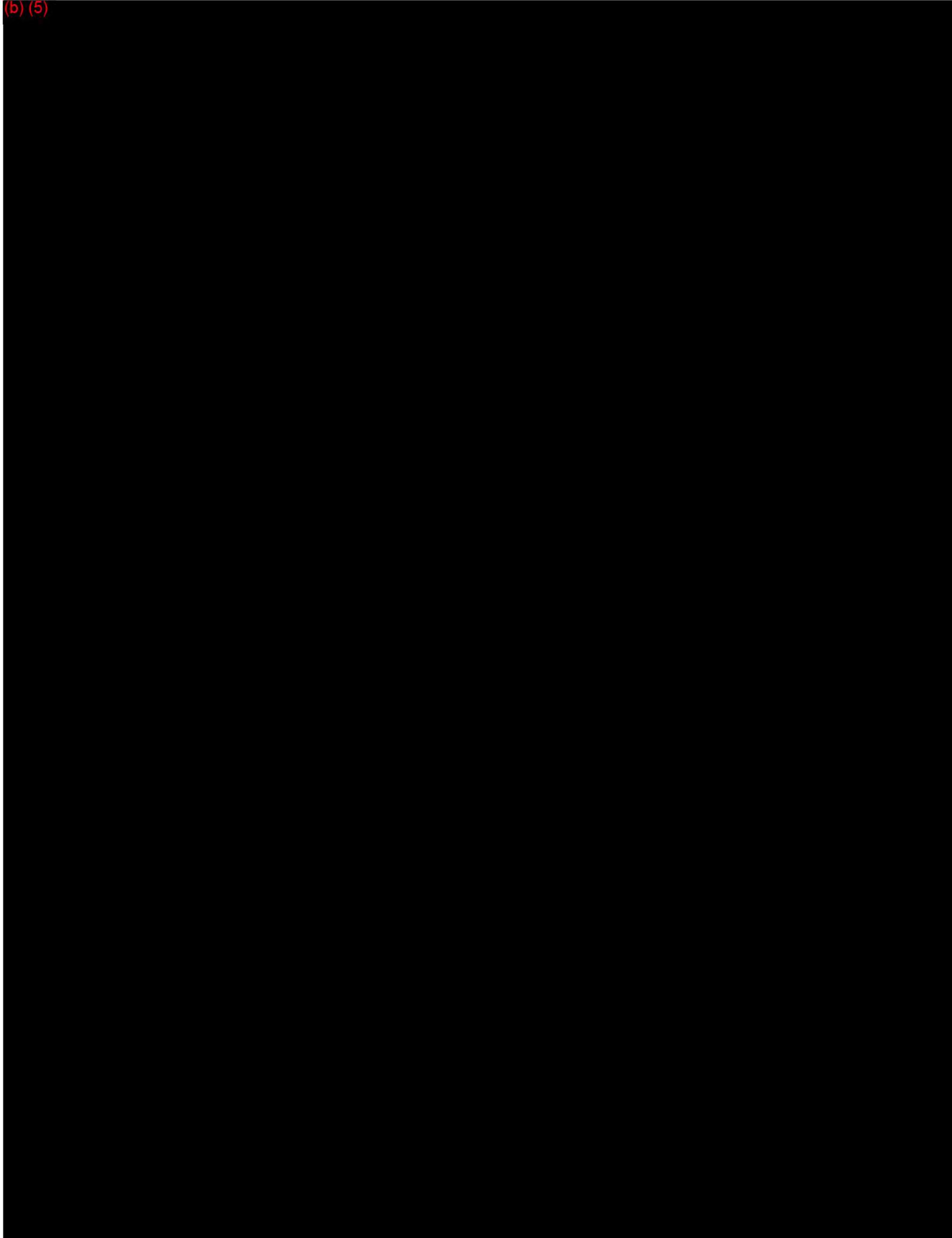
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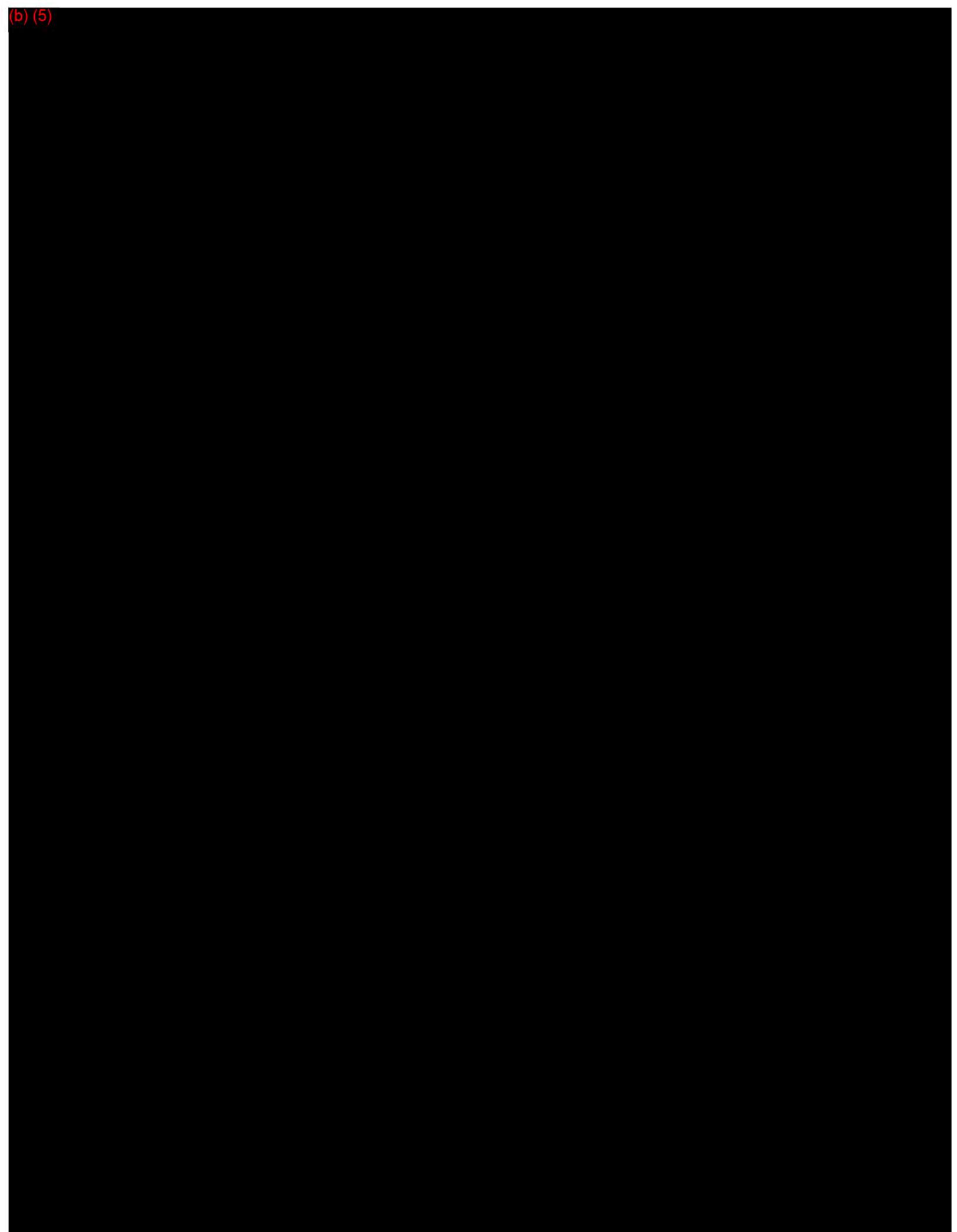






(b) (5)





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