§ 520.22 Maintenance of a list of actions.

(a) The Associate Administrator for Planning and Evaluation shall be responsible for the preparation and maintenance of a list of actions for which draft or final environmental impact statements have been or are to be prepared. This list shall be on file with the Associate Administrator for Planning and Evaluation and shall be available for public inspection in the Docket Section upon request. A copy of the initial list and its updatings at the end of each calendar quarter shall be transmitted by the Associate Administrator for Planning and Evaluation to TES and CEQ.

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

§ 520.23 Preparation of draft environmental impact statements.

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

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

(3) Section 102(2)(A) of NEPA requires each Federal agency to utilize a “systematic, interdisciplinary approach” to plans and programs affecting the environment. To assure that all environmental impacts are identified and assessed, all relevant disciplines should be represented. If the necessary disciplines are not represented on the staff of the applicant or NHTSA, it is appropriate to use professional services available in other Federal, State or local agencies, universities, or consulting firms. The use of the interdisciplinary approach should not be limited to the environmental statement. This approach should also be
used in the early planning stages to 
help assure a systematic evaluation of 
reasonable alternative courses of ac-
tion and their potential social, eco-
nomic, and environmental con-
sequences.

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

(c) Lead agency. CEQ guidelines pro-
vide that when more than one Federal 
agency (1) directly sponsors an action, 
or is directly involved in an action 
through funding, licenses, or permits, 
or (2) is involved in a group of actions 
directly related to each other because 
of their functional interdependence and 
geographical proximity, consideration 
should be given to preparing one state-
ment for all the Federal actions in-
volved. Agencies in such cases should 
consider the designation of a single 
“lead agency” to assume supervisory 
responsibility for preparation of a joint 
statement. Where a lead agency pre-
pares the statement, the other agencies 
involved should provide assistance with 
respect to their areas of jurisdiction 
and expertise. The statement should 
contain an evaluation of the full range 
of Federal actions involved, should re-
fect the views of all participating 
agencies, and should be prepared before 
major or irreversible actions have been 
taken by any of the participating agen-
cies. Some relevant factors in deter-
mining an appropriate lead agency are: 
The time sequence in which the agen-
cies become involved, the magnitude of 
their respective involvement, and their 
relative expertise with respect to the 
project’s environmental effects. Ques-
tions concerning “lead agency” deci-
sions should be raised with CEQ 
through TES. For projects serving and 
primarily involving land owned by or 
under the jurisdiction of another Fed-
eral agency, that agency may be the 
appropriate lead agency.

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

§ 520.24 Internal processing of draft 
environmental impact statements.

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

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

(b) Attach the DEIS;

(c) Identify the Federal, State, and 
local agencies and private sources from 
which comments on the DEIS are pro-
posed to be solicited (see Attachment 
2);1 and

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

§ 520.25 External review of draft envi-
ronmental impact statements.

(a) Requirements. The official respon-
sible for the DEIS shall:

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

(2) Solicit comments from all Fed-
eral, State, and local agencies which 
have jurisdiction by law or special ex-
pertise with respect to the possible en-
vironmental impact involved, and from 
the public (see Attachment 2); and

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

(4) Allow a comment period of not 
less than 45 days from the Friday of 
the week following receipt of the draft 
impact statement by CEQ. Requests for 
extensions shall be granted whenever 
possible, and particularly when war-
tanted by the magnitude and com-
plexity of the statement or the extent 
of citizen interest.

(b) Procedures—(1) Federal and Fed-
eral-State agency review. (i) The DEIS

1Filed as part of the original document.