

Federal Register

Monday
October 1, 1979

Highlights

Briefings on How to Use the Federal Register—For details on briefings in Washington, D.C., and Long Island, New York, see announcement in the Reader Aids Section at the end of this issue.

- 56520 Improving Government Regulations** Agencies announce schedule of publication dates for semiannual agendas (Part III of this issue)
- 56377 NASA publishes semiannual agenda**
- 56389 NFAH publishes semiannual agenda**
- 56387 NSF publishes semiannual agenda**
- 56504 Treasury/IRS publishes semiannual agenda** (Part II of this issue)
- 56590 Privacy Act** NLRB issues annual publication of systems of records; comments by 10-30-79 (Part VI of this issue)
- 56369 Oil** DOE/ERA extends comments period on proposal on distribution of strategic petroleum reserve crude oil from 10-10-79 to 10-20-79
- 56608 Housing** HUD/FHC issues rules on management and disposition of HUD-owned multifamily housing projects; effective 11-8-79, comments by 11-30-79 (Part VIII of this issue)

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Management Instruction 1410.10B.
"Federal Register: Delegation of
Authority and Requirements for
Publication of NASA Documents,"

require that a semiannual agenda of
significant regulations under
development and review be published in
the Federal Register on the first Monday

in April and the first Monday in
October.
September 24, 1979.
Robert A. Frosch,
Administrator.

National Aeronautics and Space Administration Semiannual Agenda of Significant Regulations

Title	Description	Legal citation	Status	Contact	Regulatory analysis required
*STS Services for Users of Small Self-Contained Payloads.	Describes the policy for services provided by NASA to users of small self-contained payloads and the implementation of the policy.	42 U.S.C. 2473	Proposed Rule	Donna J. Miller, Manager, Small Self-Contained Payloads Program, Office of Space Transportation Systems, NASA Headquarters, Washington, D.C. 20546, 202/755-2427.	No

*This was the only item listed in NASA's Semiannual Agenda which appeared in the FEDERAL REGISTER, Vol. 44, No. 64—Monday, April 2, 1979. This regulation is undergoing final review and it is anticipated that it will be published within the next six months.

[FR Doc. 79-30133 Filed 9-26-79; 8:45 am]

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DEPARTMENT OF STATE

Agency for International Development

22 CFR Part 216

Pesticide and Other Environmental Procedures; Proposed Amendment of Regulations

AGENCY: Agency for International Development.

ACTION: Proposed Amendment of Regulations.

SUMMARY: These proposed amendments are intended to make A.I.D.'s environmental procedures more effective and efficient and to reduce unnecessary paperwork and delay.

DATES: Comments must be received by November 1, 1979.

ADDRESSES: Comments should be addressed to Albert Printz, A.I.D. Environmental Coordinator, Agency for International Development, Department of State, Washington, D.C. 20523.

FOR FURTHER INFORMATION CONTACT: Albert Printz, A.I.D. Environmental Coordinator (address same as above), 202-632-1036.

SUPPLEMENTARY INFORMATION:

1. *Summary of Major Changes—A. Definitions* (Section 216.1(c))—A definition of the term significant effect is being added. The definition is the same as in Executive Order 12114 entitled "Environmental Effects Abroad of Major Federal Actions" issued on January 4, 1979 (the Executive Order). This proposed addition will eliminate unnecessary paperwork by making it clear that an Environmental Assessment is required only when it is reasonably foreseeable that a proposed action will cause significant harm to the natural

and physical environment. It also will make the procedural requirements more understandable and acceptable to foreign countries by not requiring an in-depth study of the environment unless the action, which generally is proposed by and developed in collaboration with the recipient government, appears to have adverse environmental consequences. Such a realistic position will assist A.I.D. in developing a positive environmental awareness in recipient countries and in other donor agencies. This definition is not applicable to the extent a proposed action has an effect on the environment of the United States. In that case, the National Environmental Policy Act of 1970 (NEPA) and regulations issued by the President's Council on Environmental Quality (CEQ) are applicable.

B. Applicability of Procedures (Section 216.2)—This section is being substantially revised to add the concepts of exemptions, categorical exclusions and classes of actions normally requiring an Environmental Assessment or Environmental Impact Statement. A.I.D.'s financing of the procurement or use of pesticides is not included in these exemptions or exclusions. The procedures regarding pesticides, including exemptions, are separately treated in § 216.3(b); only a minor editorial change to these procedures is proposed.

(i) *Exemptions*—The types of exemptions proposed are drawn from the Executive Order. The first, international disaster assistance, applies to activities of limited scope in response to natural or manmade disasters. Such activities are for relief

and rehabilitation and are unlikely to cause significant harm to the environment. Moreover, cases of disaster or emergency generally require prompt action to avoid the loss of life and to prevent human suffering for which there is not time for formal review.

All such disaster activities are exempt from the procedures. The other grounds for exemption, noted in § 216.2(b) (other emergency circumstances and cases of foreign policy sensitivity), require a case-by-case justification and decision by the appropriate Assistant Administrator after consultation with CEQ regarding the environmental consequences of the action proposed for exemption.

(ii) *Categorical Exclusions*—A new subsection is being added to the procedures to provide for categorical exclusions, classes of actions that normally will not require the preparation of an Initial Environmental Examination, or other environmental documents. The use of these exclusions should assist in eliminating unnecessary paperwork. The actions for which exclusion is appropriate fall within one of the following three general categories:

(a) Actions that do not have any effect on the natural or physical environment.

(b) Assistance activities for which achieving A.I.D.'s assistance objectives does not require knowledge of or control over the specific activities that are implemented. For example, A.I.D. conducts a matching grant program with private voluntary organizations (PVOs) under which grants are made to assist in financing the PVO's own programs in developing countries in an amount equal to that provided by the PVOs. A.I.D.'s

assistance purpose is to support the programs of such voluntary organizations which deal with identifiable development problems and to encourage an expanded use of private contributions to support development activities thereby increasing the total flow of resources to developing countries. Prior to approval of a matching grant, AID reviews the ability of the PVO to provide its share of the match and to carry out the development program presented by the PVO. There is a general programmatic review of the functional areas in which the PVO will work, for example, community development; the countries in which the program will be conducted; the anticipated beneficiaries and a broad outline of the budget. Decisionmaking generally is based upon the record of effectiveness of these organizations without knowledge of the specific activities that will be conducted, where, and without technical, economic or environmental analysis. To support the independence of these PVOs in conducting their own programs, A.I.D. does not reserve the right to review and approve or control specific activities. A.I.D.'s broad objectives in the financing are achieved by providing support for the movement of voluntarism overseas, increasing the flow of development resources, and measurable achievement of development objectives.

On the other hand, A.I.D. also makes operational program grants to PVOs to support specific development activities designed by the PVOs and presented to A.I.D. for financing. The details of the design are reviewed by A.I.D. as part of the decisionmaking process to determine whether to make such a grant, including the technical, economic and social merits of the specific activity. These activities are subject to the environmental procedures unless another categorical exclusion is available based upon the specific type of activity presented (i.e., not having an effect on the environment).

(c) Research or field evaluation activities of limited scope which are carefully controlled and monitored.

In the event an action has a number of components, some of which fit within the exclusion and some that do not (such as construction), an Initial Environmental Examination will be completed with respect to the components that are not within the exclusion.

In addition, A.I.D. intends to develop design standards or criteria which, when applied in the design of projects, will avoid the possibility of significant harm to the environment. Such projects will be excluded from the requirement of an

Initial Environmental Examination as the design standards or criteria are developed for them.

(iii) *Actions Normally Having a Significant Effect*—Experience has shown that the classes of actions enumerated in § 216.2(d) normally have significant effects on the environment justifying the preparation of an Environmental Assessment or Environmental Impact Statement. Completing an Initial Environmental Examination for these classes generally is an unnecessary step in the review process. None will be required, and an Environmental Assessment or Environmental Impact Statement may be started as early as possible in the program cycle when it appears that a proposed action is entering the design phase.

(iv) *Extraordinary Circumstances*—This section also provides for extraordinary instances in which an action that is normally excluded may be determined to have a significant effect on the environment. There is generally adequate information to identify such an effect in the description of the activity as it is designed or as it is in the project approval process. If it appears that a normally excluded activity may have a significant effect on the environment, it will be subjected to the usual procedures of § 216.3, described below, which commence with an Initial Environmental Examination and may lead to an Environmental Assessment or Environmental Impact Statement. Likewise, if the originator of a project within the classes of actions normally requiring an Environmental Assessment believes that the project will not have such a significant effect, the originator of the project may subject it to the procedures of Section 216.3 which require an Initial Environmental Examination and Threshold Decision. A similar decision may be made, when appropriate, in the course of the scoping process discussed below in paragraph (C)(ii).

C. *Procedures* (§ 216.3)—The objective of these procedures is to integrate environmental considerations fully and early into the decisionmaking process involved in the design, approval and implementation of programs, projects, and activities financed or approved by A.I.D. This applies to the timing of environmental review and the level at which it occurs. Toward this end, the times decisions typically occur in the programming cycle are identified and the environmental review appropriate for various stages of program development indicated. See § 216.3(a)(1)–(5). The major changes

proposed in this section are the level at which Threshold Decisions are made; the introduction of scoping to narrow and focus the issues to be considered in an Environmental Assessment, or Environmental Impact Statement; and the deferral of environmental review, under certain circumstances, until after an action is authorized but in a manner consistent with A.I.D.'s decisionmaking practice with respect to other aspects of the action.

(i) *Threshold Decisions*. The Initial Environmental Examination and Threshold Decision regarding whether an action will have a significant effect on the environment should be made at the earliest practicable time in the selection or design of an activity. Generally, this will be done in connection with the Project Identification Document (PID). Since the Initial Environmental Examination and Threshold Decision are generally expected as part of the PID, responsibility for making the Threshold Decision will be placed upon the officer who signs the PID.

It is proposed that the Initial Environmental Examination and Threshold Decision be reviewed in Washington by the Bureau Environmental Officer at the same time that the PID is reviewed at the Bureau level in Washington. The Bureau Environmental Officer may concur in the Threshold Decision or request reconsideration by the officer who made the Decision providing reasons for nonconcurrence. Disagreements that cannot be resolved between these two officers will be submitted to the Assistant Administrator having program responsibility for the action.

(ii) *Scoping*. In an effort to focus analytical attention on the significant issues to be addressed in an Environmental Assessment or Environmental Impact Statement and thereby eliminate unnecessary detail, a new step is being added to the procedures. It has been adapted from the CEQ Regulations. The scoping process will be commenced by the originator of a project as soon as practicable after a Positive Threshold Decision is made requiring an Environmental Assessment or Impact Statement. Persons having expertise relevant to the environmental aspects of the action will participate in the scoping process. They may represent host government institutions or citizens, public and private institutions, contractors or A.I.D. staff. The scoping process will result in a written statement which will be subject to review and approval by the Bureau

Environmental Officer who may circulate the scoping statement to selected federal agencies for comment when the Bureau Environmental Officer believes that such comments may be useful in the preparation of an Environmental Assessment.

If during the scoping process it appears that the proposed action will not have a significant effect, the originator of the project may request the person who made the Positive Threshold Decision to change it to a Negative Determination. Concurrence of the Bureau Environmental Officer is required. The scoping process may continue in the event there are environmental interests remaining, notwithstanding the absence of a significant effect, to provide guidance for addressing such issues in the detailed design of the project.

(iii) *Deferral of Environmental Review.* Generally environmental review, including any required Environmental Assessment or Environmental Impact Statement, will be completed prior to the time an action is authorized for financing by approval of a Project Paper as described in § 216.3(a) (1)-(5). Foreign assistance is furnished, however, in a variety of situations and forms. Not every project, program or activity will fit into the format described in §§ 216.3(a) (1)-(5).

There are instances in which final decisionmaking regarding the content of a project, program or activity is not completed prior to the time it is approved for financing. For example, there may be projects involving subprojects that cannot be identified and planned before financing is authorized; there may be projects in which the sites where activities will be conducted (such as roads, wells or schools built) cannot be identified before financing is authorized. In such cases, environmental review may be made after financing is authorized, but as part of decisionmaking in the implementation planning of the project. In the examples cited above, the environmental review would occur as part of the process of identifying subprojects and sites.

The standard to be applied in such cases is that environmental review should occur at the earliest time in design or implementation at which a meaningful review may be undertaken, that is as subprojects are identified and planned or sites are selected, and A.I.D. should not make an irreversible commitment of resources to an aspect of the project until environmental review is completed for that aspect. A.I.D. must retain authority to conduct Initial Environmental Examinations (and Environmental Assessments or Environmental Impact Statements where

appropriate) and take such environmental review and alternatives into consideration in implementation planning before the selection of options is foreclosed. The procedure to be followed in these extraordinary actions is outlined in § 216.3(a)(6). Consultation with the Office of General Counsel is required to ensure that project agreements retain adequate authority to make environmental review meaningful in the implementation of such actions.

(iv) *Pesticide Procedures.* The only change proposed in the pesticide procedures is to delete the reference to registration for general use with the Environmental Protection Agency in section 216.3(b)(1)(iii)(a) and to substitute the words "registered for the same or similar uses by USEPA without restriction". This revision is proposed to conform with the language of section 216(b)(1)(i). There are no other proposed changes to the pesticide procedures.

D. *Private Applicants* (§ 216.4). This section is new. In the past, the environmental procedures set forth in § 216.3 have been applied to A.I.D. actions involving private applicants. Preliminary proposals from such applicants have been treated as PIDs for the purpose of timing of Initial Environmental Examinations and final proposals treated as Project Papers for the purpose of Environmental Assessments or Impact Statements. The practice has not always worked well, and Initial Environmental Examinations in some cases have been completed late in the approval cycle. New § 216.4 should clarify the requirements with respect to actions involving private applicants and eliminate reviews late in the approval process.

E. *Endangered Species* (Proposed § 216.5). This section is intended to ensure that impacts on endangered or threatened species, and their critical habitat, resulting from A.I.D. actions are identified and carefully assessed. A.I.D. will endeavor to obtain from the Fish and Wildlife Service of the Department of Interior (FWS) detailed information regarding such species and their critical habitat in each country in which A.I.D. programs are conducted. The information will be provided to the A.I.D. post in the country. In addition, the A.I.D. post will request the foreign country to provide a list of species that the country considers endangered or threatened and their critical habitat. This information will be used in preparing Initial Environmental Examinations. Whenever it appears that a proposed action will jeopardize the species or adversely modify its habitat, a positive Threshold Determination requiring an Environmental Assessment will be required. The Environmental

Assessment will discuss alternatives or modifications to avoid adverse impact on the species and its habitat.

F. *Environmental Assessments* (Proposed § 216.6). This section proposes to delete the content and format heretofore used for Environmental Assessments and to substitute in its place an adaptation of the format developed in the CEQ Regulations for Environmental Impact Statements. A.I.D. believes that use of this format will contribute to improved assessments and will eliminate material that is not necessary or useful in decisionmaking.

G. *Environmental Impact Statements* (Proposed § 216.7). This section has been revised to make clear that major A.I.D. actions having a significant effect on the environment of the United States are subject to NEPA and the CEQ Regulations. The definitions and requirements of the CEQ Regulations are applicable to such actions. Environmental Impact Statements prepared with respect to the environment of the United States must satisfy the requirements of the CEQ Regulations.

Environmental Impact Statements prepared with respect to significant effects on the global commons, or other aspects of the environment at the discretion of the A.I.D. Administrator, will generally follow the CEQ Regulations but will take into account the special developmental and foreign policy considerations and concerns of A.I.D. as is the case under the present procedures.

H. *Records and Reports* (Section 216.9). This section has been revised to eliminate the preparation, on a quarterly basis, of lists of Negative Determinations, Environmental Assessments and Environmental Impact Statements that have been prepared and the transmittal of such lists to CEQ. The lists will be kept current under the proposed revision; copies of such documents will be made available to Federal agencies and to the public upon request.

Accordingly, A.I.D. proposes to amend 22 CFR Part 216 as follows:

1. By revising §§ 216.1, 216.2 and 216.3(a) to read:

§ 216.1 Introducing.

(a) *Purpose.* In accordance with Sections 118(b) and 621 of the Foreign Assistance Act of 1961, as amended, (the FAA) the following general procedures shall be used by A.I.D. to ensure environmental factors and values are integrated into the A.I.D. decision-making process and to assign responsibility within the Agency for assessing the environmental effects of

A.I.D.'s actions. These procedures are consistent with Executive Order 12114 issued January 4, 1979 and further the purposes of the National Environmental Policy Act of 1970, as amended (42 U.S.C. § 4371 et seq.) (NEPA).

(b) *Environmental Policy.* In the conduct of its mandate to help upgrade the quality of life of the poor in developing countries, A.I.D. conducts a broad range of activities addressing such basic problems as hunger and malnutrition, overpopulation, disease, disaster, deterioration of the environment and natural resource base, illiteracy and lack of adequate housing and transportation. As authorized by the FAA, A.I.D. finances or directly furnishes both bilateral and multilateral development assistance through loan and grant programs of technical advisory services, research, training, construction and commodity support. In addition, AID conducts programs under the Agricultural Trade Development and Assistance Act of 1954 (PL-480) of furnishing agricultural commodities to developing countries. Assistance programs are carried out under the foreign policy guidance of the Secretary of State and in the context of the realities of the differing priorities of the developing countries. Within this framework, it is A.I.D. policy:

(1) To ensure that the environmental consequences of proposed A.I.D.-financed activities are identified and considered by A.I.D. and the host country prior to a final decision to proceed, and that appropriate environmental safeguards are adopted;

(2) Assist in strengthening the indigenous capabilities of developing countries to appreciate and effectively evaluate the potential environmental effects of proposed development strategies and projects, and to select, implement and manage effective environmental programs;

(3) To identify impacts resulting from A.I.D.'s actions upon the environment including those elements of the world biosphere which are the common natural and cultural heritage of mankind; and

(4) To define environmental constraints to development and to identify and carry out activities that assist in restoring the renewable resource base on which sustained development depends.

(c) *Definitions*—(1) *CEQ Regulations.* Regulations promulgated by the President's Council on Environmental Quality (CEQ) (Federal Register, Volume 43, Number 230, November 29, 1978) under the authority of NEPA and Executive Order 11514, entitled Protection and Enhancement of Environmental Quality (March 5, 1970)

as amended by Executive Order 11991 (May 24, 1977).

(2) *Initial Environmental Examination.* An Initial Environmental Examination is the initial examination of the reasonably foreseeable effects of a proposed action on the environment. Its function is to provide a brief statement of the factual basis for a Threshold Decision as to whether an Environmental Assessment or an Environmental Impact Statement will be required. Without weighing or comparing beneficial and adverse effects, if it appears that a proposed action will have a significant effect (significant harm to the physical or natural environment), the Threshold Decision will be positive (an Environmental Assessment or Environmental Impact Statement is required) even though on balance the proposed action is believed to be beneficial to the environment.

(3) *Threshold Decision.* A formal Agency decision which determines, based on an Initial Environmental Examination, whether a proposed Agency action is or is not a major action significantly affecting the environment. If it is such an action, a determination is made whether to do an Environmental Assessment or an Environmental Impact Statement based on the criteria set forth in section 216.7.

(4) *Environmental Assessment.* The Environmental Assessment is a concise evaluation of the reasonably foreseeable significant effects, both beneficial and adverse, of a proposed action on the environment of a foreign country or countries. It is intended to inform decision makers, in a full and fair way, of such significant effects and reasonable alternatives which would minimize such effects or enhance the quality of the environment. The Environmental Assessment is further described in § 216.6 of these procedures.

(5) *Environmental Impact Statement.* The Environmental Impact Statement is a detailed study of the reasonably foreseeable environmental impacts, both positive and negative, of a proposed A.I.D. action and its reasonable alternatives on the United States, the global environment or areas outside the jurisdiction of any nation as described in § 216.7 of these procedures. It is a specific document having a definite format and content, as provided in NEPA and the CEQ Regulations. The required form and content of an Environmental Impact Statement is further described in § 216.7 of these procedures.

(6) *Project Identification Document (PID).* An internal A.I.D. document which initially identifies and describes a proposed project. It is a short paper

presenting enough information on the project to demonstrate its relevance to Agency priorities and its practical potential.

(7) *Program Assistance Initial Proposal (PAIP).* An internal A.I.D. document used to initiate and identify proposed non-project commodity import programs. It is analogous to the Project Identification Document.

(8) *Project Paper (PP).* An internal A.I.D. document which provides a definitive description and appraisal of the project and particularly the plan of implementation. Project Papers form the basis for a final decision on whether or not to offer A.I.D. funding for a project.

(9) *Program Assistance Approval Document (PAAD).* An internal A.I.D. document approving non-project commodity import program assistance. It is analogous to the Project Paper.

(10) *Environment.* The term environment as used in these procedures with respect to effects occurring outside the United States includes the natural and physical environment.

(11) *Significant Effect.* With respect to effects on the environment outside the United States, a proposed action has a significant effect on the environment if it does significant harm to the environment even though on balance the action is believed to result in beneficial effect on the environment.

(12) *Minor Donor.* For purposes of these procedures, A.I.D. is a minor donor to a multidonor project when A.I.D. does not control the planning or design of the multidonor project and either (i) A.I.D.'s total contribution to the project is both less than \$1,000,000 and less than 25 percent of the estimated project cost, or (ii) A.I.D.'s total contribution is more than \$1,000,000 but less than 25 percent of the estimated project cost and the environmental procedures of the donor in control of the planning of design of the project are followed.

§ 216.2 Applicability of Procedures.

(a) *Scope*—Except as provided in § 216.2(b), these procedures apply to all new projects, programs or activities authorized or approved by A.I.D. and to amendments or extensions of ongoing projects, programs, or activities that substantially modify their scope.

(b) *Exemptions*—(1) *Actions.* Projects, programs or activities involving the following are exempt from these procedures:

- (i) International disaster assistance;
- (ii) Other emergency circumstances;
- (iii) Circumstances involving exceptional foreign policy sensitivities.

(2) *Procedures*—A formal written determination, including a statement of the justification therefor, is required for

each project, program or activity for which an exemption is made under paragraphs (b) (ii) and (iii). The determination shall be made by the Assistant Administrator having responsibility for the program, project or activity, or the determination shall be made by the Administrator for projects, programs or activities with regard to which authority to approve financing has been reserved by the Administrator. The determination shall be made after consultation with CEQ regarding the environmental consequences of the proposed program, project or activity.

(c) *Categorical Exclusions*—(1) *Criteria.* The following criteria have been applied in determining the classes of actions included in § 216.2(c)(2) for which an Initial Environmental Examination, Environmental Assessment and Environmental Impact Statement generally are not required:

(i) The action does not have an effect on the natural or physical environment;

(ii) The objective of A.I.D. in furnishing assistance does not require, either prior to approval of financing or prior to implementation of specific activities, knowledge of or control over the specific activities that have an effect on the physical and natural environment for which financing is provided by A.I.D.

(iii) Research activities which may have an effect on the physical and natural environment but will not have a significant effect as a result of limited scope, carefully controlled nature and effective monitoring.

(2) *Classes of Actions.* The following classes of actions generally are not subject to the procedures set forth in § 216.3 (i.e., and Initial Environmental Examination and Environmental Impact Statement generally are not required):

(i) Education, technical assistance, or training programs except to the extent such programs include activities directly affecting the environment (such as construction of facilities, etc.);

(ii) Controlled experimentation exclusively for the purpose of research and field evaluation which are confined to small areas and carefully monitored;

(iii) Analyses, studies, academic or research workshops and meetings;

(iv) Projects in which A.I.D. is a minor donor to a multidonor project and there are no potential significant effects upon the environment of the United States, areas outside any nation's jurisdiction or endangered or threatened species or their critical habitat;

(v) Document and information transfers;

(vi) Contributions to international, regional or national organizations by the United States which are not for the purpose of carrying out a specifically identifiable project or projects;

(vii) U.S. institution building grants to research and educational institutions such as those provided for under Section 122(d) and Title XII of the FAA;

(viii) Programs involving nutrition, health care or population and family planning services except to the extent designed to include activities directly affecting the environment (such as construction of facilities, water supply systems, waste water treatment, etc.);

(ix) Assistance provided under a Commodity Import Program when the objective in furnishing such assistance requires neither knowledge of at the time the assistance is authorized, nor control during implementation over, the commodities or their use in the host country;

(x) Support for intermediate credit institutions when the objective is to assist in the capitalization of the institution or part thereof and does not involve reservation of the right to review and approve individual loans made by the institution;

(xi) Programs of maternal or child feeding conducted under Title II of P.L. 480;

(xii) Food for development programs conducted by the food recipient countries under Title III of P.L. 480 when achieving A.I.D.'s objectives in such programs does not require knowledge of or control over the details of the specific activities conducted by the foreign country under such program;

(xiii) Matching, general support and institutional support grants provided to private voluntary organizations (PVOs) to assist in financing programs with respect to which the objective of A.I.D. in providing such financing does not require knowledge of, or control over, the specific activities conducted by the PVO;

(xiv) Planning studies, projects or programs, including natural resource identification by remote sensing or otherwise, and projects intended to develop the capability of recipient countries to engage in such planning except to the extent designed to result in activities directly affecting the environment (such as construction of facilities, etc.); and

(xv) Classes of action for which criteria or standards are developed and approved by A.I.D. for the design of activities which shall be applied in the design of such activities and will avoid a significant effect on the environment.

(3) *Procedure; extraordinary circumstances.* The originator of a project, program or activity shall determine the extent to which the project, program or activity is within the classes of actions described in subparagraph (c)(2) of this section. This determination shall be made in writing prior to, in, or with submission of the

PID, PAIP or comparable document and shall be reviewed by the Bureau Environmental Officer in the same manner as a Threshold Decision under section 216.3(a)(2) of these procedures. Notwithstanding subparagraph (c)(2) of this section, the procedures set forth in § 216.3 shall apply to any project, program or activity included in the classes of actions listed in subparagraph (c)(2), or any aspect or component thereof, if at any time in the design, review or approval of the activity it appears that the project, program activity, or aspect or component thereof, is subject to the control of A.I.D. and may have a significant effect on the environment.

(d) *Classes of Actions Normally Having a Significant Effect on the Environment.* The following classes of actions have been determined generally to have a significant effect on the environment and an Environmental Assessment or Environmental Impact Statement, as appropriate, normally will be required:

(i) Programs of river basin development;

(ii) Irrigation or water management projects, including dams and impoundments;

(iii) Agricultural land leveling;

(iv) Drainage projects;

(v) Large scale agricultural mechanization;

(vi) New lands development;

(vii) Resettlement projects;

(viii) Penetration road building or improvement projects;

(ix) Power plants;

(x) Industrial plants;

(xi) Potable water and sewerage projects other than those that are small-scale.

(3) *Extraordinary Circumstances.* An Initial Environmental Examination normally will not be required for activities within the classes described in Section 216.2(d). If, however, the originator of the project believes that the project will not have a significant effect on the environment, the activity may be subjected to the procedures set forth in Section 216.3.

(e) *Pesticides.* The exemptions of section 216.2(b)(1) and the categorical exclusions of section 216.2(c)(2) are not applicable to assistance for the procurement or use of pesticides.

§ 216.3 Procedures.

(a) *General Procedures*—(1) *Preparation of the Initial Environmental Examination.* Except as provided therein, an Initial Environmental Examination is not required for activities and actions identified in § 216.2(b)(1), (c)(2), and (d). For all other actions, an Initial Environmental Examination will be prepared by the

originator of an action at the earliest possible time. Except as indicated in this section, it should be prepared no later than concurrently with the PID or PAIP. For projects including the procurement or use, or both, of pesticides, the procedures set forth in § 216.3(b) will be followed in addition to the procedures in this paragraph (a). If some of the activities to be conducted under the action are not identified in sufficient detail to permit the completion of an Initial Environmental Examination at the PID or PAIP stage, the PID or PAIP will include (i) an explanation indicating why the Initial Environmental Examination cannot be completed; (ii) an estimate of the amount of time required to complete the Initial Environmental Examination; and (iii) a recommendation that a Threshold Decision be deferred until the Initial Environmental Examination is completed. The responsible Assistant Administrator will act on the request for deferral concurrently with action on the PID or PAIP and will designate a time for completion of the Initial Environmental Examination. In all instances, except as provided in § 216.3(a)(7), this completion date will be in sufficient time to allow for the completion of an Environmental Assessment or Environmental Impact Statement, if required, before a final decision is made to provide A.I.D. funding for the action.

(2) *Threshold Decision.* The Initial Environmental Examination will be accompanied by a Threshold Decision made by the officer who signs the PID or PAIP on behalf of the originating office. If the Initial Environmental Examination is completed prior to or at the same time as the PID or PAIP, the Threshold Decision will be reviewed by the Bureau Environmental Officer concurrently with approval of the PID or PAIP. The Bureau Environmental Officer may concur in the Threshold Decision or request reconsideration by the officer who made the Threshold Decision, stating the reasons for the request. Differences of opinion between these officers shall be submitted for resolution to the Assistant Administrator having responsibility for the action when the PID is submitted to the Assistant Administrator for approval. When an Initial Environmental Examination is completed subsequent to approval of the PID or PAIP pursuant to § 216.3(a)(1) above, the Initial Environmental Examination and Threshold Decision will be immediately forwarded to the Bureau Environmental Officer for action as described above. A Negative Threshold Decision shall be made if it is determined based on an Initial Environmental Examination that the

proposed action is not a major action that will have a significant effect on the environment and therefore an Environmental Assessment or an Environmental Impact Statement will not be required. The cognizant Bureau or Office will record this decision, and such record will constitute a Negative Determination. A Positive Threshold Decision shall be made if it is determined based on an Initial Environmental Examination that the proposed action is a major action that will have a significant effect on the environment in which case an Environmental Impact Statement shall be prepared if required pursuant to Section 216.7 or an Environmental Assessment will be prepared in accordance with Section 216.6.

(3) *Negative Declaration.* Notwithstanding the foregoing, the Assistant Administrator having responsibility for the proposed action, or the Administrator in actions for which the approval of the Administrator is required for the authorization of financing, may make a Negative Declaration that the Agency will not develop an Environmental Assessment or an Environmental Impact Statement for an action which the Agency has identified as normally requiring an Environmental Assessment or Environmental Impact Statement. Such a Negative Declaration must be in writing and may be based upon (i) the fact that a substantial number of Environmental Assessments or Environmental Impact Statements relating to similar activities have been prepared in the past, (ii) the fact that the Agency has previously prepared a programmatic Statement or Assessment covering the activity in question which has been considered in the development of such activity, or (iii) the Agency has developed design criteria for such an action which, if applied in the design of the action, will avoid a significant effect on the environment.

(4) *Scoping. (a) Procedure and Content.* As soon as practicable after a Positive Threshold Decision has been made, or a determination is made under the pesticide procedures set forth in Section 216.3(b) that an Environmental Assessment or Environmental Impact Statement is required, the originator of the action shall commence the process of identifying the significant issues relating to the proposed action and of determining the scope of the issues to be addressed in the Environmental Assessment, Environmental Impact Statement or otherwise the design of a proposed activity. The originator of an action within the classes of actions described in Section 216.2(d) shall

commence this scoping process as soon as practicable. Persons having expertise relevant to the environmental aspects of the proposed action shall also participate in this scoping process. (Participants may include but are not limited to representatives of host governments, public and private institutions, the A.I.D. Mission staff and contractors.) This process shall result in a written statement which shall include the following matters and be reviewed and approved by the Bureau Environmental Officer:

(i) A determination of the scope and significance of issues to be analyzed in depth, including direct and indirect effects;

(ii) Identification and elimination from detailed study of the issues that are not significant or have been covered by earlier environmental review, narrowing the discussion of these issues to a brief presentation of why they will not have a significant effect on the environment;

(iii) A description of the timing of the preparation of environmental analysis and the tentative planning and decision-making schedule for the action; and

(iv) A description of the means by which the analysis will be conducted and the disciplines that will participate in the analysis.

(b) *Circulation of Scoping Statement.* The Bureau Environmental Officer may circulate copies of the written scoping statement, together with a request for written comments within thirty days, to selected federal agencies when, in the judgment of that Officer, comments by such federal agencies will be useful in the preparation of an Environmental Assessment. Comments received on environmental aspects from reviewing federal agencies will be forwarded to the originating project office for consideration in the preparation of the Environmental Assessment and in the formulation of the design and implementation of the project, and will, together with the scoping statement, form part of the project file when the project comes forward in the Project Paper stage for final approval.

(c) *Change in Threshold Decision.* If, in the course of the scoping process, it becomes evident that the action, will not have a significant effect on the environment (i.e., will not cause significant harm to the environment), the originator may request the officer who made the Positive Threshold Decision to change the decision to a Negative Determination, provided that the concurrence of the Bureau Environmental Officer is obtained. In the case of an action included in § 216.(d)(2), the request shall be made to the Bureau Environmental Officer. The scoping process may be continued if

necessary in order to provide guidance regarding the manner in which any remaining environmental issues (that are not significant) will be addressed in the detailed design of the action.

(5) *Preparation of Environmental Assessments and Environmental Impact Statements.* If the PID or PAIP is approved, and the Threshold Decision is positive, or the action is included in § 216.2(d), the originator of the action will prepare, based on the results of the scoping process and prior to or concurrently with the Project Paper or Program Assistance Approval Document, an Environmental Assessment or draft Environmental Impact Statement as required. Draft Environmental Impact Statements will be circulated for review and comment as part of the review of Project Papers and as outlined further in § 216.7 of these procedures. Except as provided for in § 216.3(a)(7), final approval of the Project Paper or Program Assistance Approval Document and the method of implementation will include consideration of the Environmental Assessment or final Environmental Impact Statement, as well as other required (non-environmental) analyses.

(6) *Processing and Review Within A.I.D.* Initial Environmental Examinations, Environmental Assessments and final Environmental Impact Statements will be processed within A.I.D. in accordance with the normal A.I.D. procedures for other documents. These procedures generally call for participation in the review process by technical, legal and country specialists. Except as provided in § 216.3(a)(7), Environmental Assessments and final Environmental Impact Statements will be reviewed as an integral part of the Project Paper or equivalent. In addition to these normal procedures, Environmental Assessments will be reviewed by the appointed Bureau Environmental Officer and, periodically, by the Environmental Coordinator who will monitor the Environmental Assessment process. With respect to actions for which approval authority is delegated to field posts, Environmental Assessments prepared in connection with such actions shall be reviewed by the Bureau Environmental Officer prior to the approval of such actions. Draft and final Environmental Impact Statements will be reviewed by the Environmental Coordinator and the Office of the General Counsel.

(7) *Environmental Review After Authorization of Financing.* There are instances in which final decisionmaking regarding the content of a project, program or activity is not completed

prior to the time it is approved for financing. For example, there are projects involving subprojects that cannot be identified and planned before the project is authorized; there are other projects in which the sites where activities will be conducted (such as roads, wells or schools built) cannot be identified before the implementation stage of the project. Environmental review of unidentified subprojects, or of aspects of projects that are unidentified, is not entirely effective. In such cases environmental review may be made after financing is authorized.

The standard to be applied in these projects, programs or activities is that environmental review should occur at the earliest time in design or implementation at which a meaningful review can be undertaken (not later than when previously unidentified subprojects are identified and planned or sites selected) and A.I.D. should not make an irreversible commitment of resources to an aspect of a project, program or activity until environmental review is completed for that aspect. An irreversible commitment of resources can be avoided in a variety of ways depending on the kind of project, the manner in which it will be financed, the parties participating, and the approval rights reserved by A.I.D. The obligation of funds can be made incrementally as subprojects or aspects of projects are identified and planned including environmental review; conditions precedent to disbursement for subprojects or aspects of projects or other appropriate covenants in project agreements also may be utilized.

Since there are a number of effective alternatives that may be used to avoid an irreversible commitment of funds before environmental review is completed and environmental review is only one feature of many to be considered in selecting an alternative, no effort is made here to require use of any particular method other than to state the following order of preference: Whenever adequate information is available, environmental review will be completed for an entire action before financing is authorized by the approval of a Project Paper in the manner described in § 216.3(a)(1)-(6). If, at that time, there are unidentified subprojects or aspects of projects, environmental review will be completed prior to project authorization to the extent adequate information is available and environmental review will be deferred only with respect to subprojects or significant aspects of the project that are unidentified at the time of authorization. An effort will be made to obtain adequate information to undertake environmental review of the deferred

aspects of the action before funds are obligated for such aspects of the action. (Funds may be obligated for the other aspects for which environmental review has been completed.) If it is not possible to obtain adequate information regarding aspects of projects for which environmental review has been deferred, before funds are obligated for such aspects of the project, the project agreement or other agreement through which such funds are obligated should contain conditions precedent to disbursement for such aspects of the project. The conditions precedent should require environmental review to be completed and taken into account in planning the implementation of previously unidentified aspects prior to the time funds may be disbursed for such aspects by A.I.D. under the agreement. If it is not possible to obtain adequate information regarding the aspects of projects for which environmental review has been deferred prior to the time funds must be disbursed for such aspects of the project (because for example, of long lead times for the delivery of goods or services), the project agreement or other agreement obligating funds must contain a covenant or covenants requiring environmental review, including an Environmental Assessment or Environmental Impact Statement when appropriate, to be completed and taken into account prior to the time such aspects of the project are implemented ensuring that implementation plans may be modified in accordance with the environmental review.

In such cases the Initial Environmental Examination and Threshold Decision required under § 216.3(a)(1) and (2) will identify those aspects of the action for which environmental review will be completed prior to the time financing is authorized by approval of the Project Paper and those aspects for which environmental review will be deferred; the reasons for deferral; the time when environmental review (an Initial Environmental Examination and an Environmental Assessment or Environmental Impact Statement if appropriate) will be completed; the manner in which an irreversible commitment of funds will be avoided to ensure that environmental review, including a study of alternatives and mitigating factors when necessary, will be completed at a time when modification effectively may be made in the implementation of the action; and the AID officer who will be responsible for making environmental decisions for the action (the same officer who has decisionmaking authority for the other aspects of implementation of the action). This deferral shall be reviewed and

approved by the officer making the Threshold Decision and shall be reviewed and approved by the officer who authorizes funding of the action by approval of the Project Paper after consultation with the Office of General Counsel for the purpose of establishing the manner in which conditions precedent to disbursement or covenants in project and other agreements will avoid an irreversible commitment of resources before environmental review is completed.

(8) *Monitoring.* To the extent feasible and relevant, projects and programs for which Environmental Impact Statements or Environmental Assessments have been prepared should be designed to include measurement of any changes in environmental quality, positive or negative, during their implementation. This will require recording of baseline data at the start. To the extent that available data permit, originating offices of A.I.D. will formulate systems in collaboration with recipient nations, to monitor such impacts during the life of A.I.D.'s involvement.

(9) *Revisions.* If, after a Threshold Decision is made resulting in a Negative Determination, a project is revised or new information becomes available which indicates that a proposed action might be "major" and its effects "significant", the Negative Determination will be reviewed and revised by the cognizant Bureau and an Environmental Assessment or Environmental Impact Statement will be prepared, if appropriate. Environmental Assessments and Environmental Impact Statements will be amended and processed appropriately if there are major changes in the project or program, or when significant new information becomes available. When on-going programs are revised to incorporate a change in scope or nature, a determination will be made as to whether such change may have an environmental impact not previously assessed. If so, the procedures outlined above will be followed.

(10) *Other Approval Documents.* These procedures identify certain A.I.D. documents such as PIDS, PAIPs, Project Papers and Program Assistance Approval Documents as the AID internal instruments for approval of projects, programs or activities. From time to time, certain special procedures, such as those in section 216.4, may not require the use of the aforementioned documents. In these situations, these procedures shall apply to those special approval procedures, unless otherwise exempt, at approval times and levels comparable to projects, programs and activities in which the aforementioned documents are used.

2. By revising § 216.3(b)(1)(iii)(a) to read:

- (b) * * *
- (1) * * *
- (iii) * * *

(a) Any pesticide other than one registered for the same or similar uses by USEPA without restriction or for restricted use on the basis of user hazard; or

3. By deleting §§ 216.4, 216.5 and 216.6, renumbering § 216.7 as § 216.8 and adding new §§ 216.4, 216.5, 216.6 and 216.7 which read:

§ 216.4 Private applicants.

Programs, projects or activities for which financing from A.I.D. is sought by private applicants, such as PVOs and educational and research institutions, are subject to these procedures. Except as provided in Sections 216.2 (b), (c) or (d), preliminary proposals for financing submitted by private applicants shall be accompanied by an Initial Environmental Examination or adequate information to permit preparation of an Initial Environmental Examination. The Threshold Decision shall be made by the Mission Director for the country to which the proposal relates, if the preliminary proposal is submitted to the A.I.D. Mission, or shall be made by the other officer in A.I.D. who approves the preliminary proposal. In either case, the concurrence of the Bureau Environmental Officer is required in the same manner as in Section 216.3(a)(2), except for PVO projects with total life of project cost less than \$500,000 for which A.I.D. Mission Directors have project approval authority. Thereafter, the same procedures set forth in Section 216.3, including as appropriate scoping and Environmental Assessments or Environmental Impact Statements, shall be applicable to programs, projects or activities submitted by private applicants. The final proposal submitted for financing shall be treated, for purposes of these procedures, as a Project Paper. The Bureau Environmental Officer shall advise private applicants of studies or other information foreseeably required for action by A.I.D.

§ 216.5 Endangered species.

(a) *Policy.*—It is A.I.D. policy to conduct its assistance program in a manner that is sensitive to the protection of endangered or threatened species and their critical habitat. Toward this end, A.I.D. will endeavor to obtain from the Fish and Wildlife Service of the Department of the Interior (FWS) detailed information regarding endangered or threatened species, and their critical habitat, for each foreign country in which A.I.D. conducts a

foreign assistance program. This information will be provided to the A.I.D. post in the country. In addition, A.I.D. will request each country in which A.I.D. programs are conducted to furnish a list of species the country considers to be endangered or threatened and their critical habitat.

(b) *Procedure.*—The Initial Environmental Examination for each project, program or activity having an effect on the environment shall specifically determine whether the project, program or activity will have an effect on an endangered or threatened species, or critical habitat, as indicated by the information provided by FWS for the country and the list provided by the recipient country. If the proposed project, program or activity will have the effect of jeopardizing the endangered or threatened species or of adversely modifying its critical habitat, the Threshold Decision shall be a Positive Determination and an Environmental Assessment or Environmental Impact Statement completed as appropriate, which shall discuss alternatives or modifications to avoid such impact on the species or its habitat.

§ 216.6 Environmental assessments.

(a) *General Purpose.*—The purpose of the Environmental Assessment is to provide Agency and host country decisionmakers with a full and fair discussion of significant environmental effects of a proposed action and of the reasonable alternatives which would avoid or minimize adverse effects or enhance the quality of the environment so that the expected benefits of development objectives can be weighed against any adverse short- or long-term impacts upon the human environment or any irreversible or irretrievable commitment of resources.

(b) *Collaboration with Affected Nation on Preparation.*—Collaboration in obtaining data, conducting analyses and considering alternatives will help build an awareness of development-associated environmental problems in less developed countries as well as assist in building an indigenous institutional capability to deal nationally with such problems. Missions, Bureaus and Offices will collaborate with affected countries to the maximum extent possible, in the development of any Environmental Assessments required and obtain agreement of the affected countries to participate in the preparation of any required Environmental Assessment and to consider environmental consequences as set forth therein.

(c) *Content and Form.*—The Environmental Assessment shall be prepared in accordance with the scope

decided upon in the scoping process. It shall be analytic, rather than encyclopedic, and shall be concise, clear and to the point. Impacts shall be discussed in proportion to their significance. Environmental Assessments shall be written in plain language and may use appropriate graphics so that decisionmakers can readily understand them. The depth of information and data gathered for Environmental Assessments should be similar to that for economic, technical and other analyses required by A.I.D. Material may be incorporated by reference when the effect will be to reduce bulk without impeding review. The Environmental Assessment shall be based upon the scoping statement and generally will include the following format, unless the Environmental Assessment is included in the text of a Project Paper in which case paragraphs (1) and (2) may be omitted:

(1) *Summary.* A summary will be made which adequately and accurately summarizes the Environmental Assessment. The summary shall stress the major conclusions, areas of controversy, if any, and the issues to be resolved.

(2) *Purpose and Need.* The Environmental Assessment shall briefly specify the underlying purpose and need to which the Agency is responding in proposing the alternatives including the proposed action.

(3) *Alternatives Including the Proposed Action.* This section should present the environmental impacts of the proposal and its alternatives in comparative form thereby sharpening the issues and providing a clear basis for choice among options by the decisionmaker. This section should rigorously explore and objectively evaluate all reasonable alternatives and briefly discuss the reasons for eliminating those alternatives which were not included in the detailed study; devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits; include the alternative of no action; identify the Agency's preferred alternative or alternatives, if one or more exists; include appropriate mitigation measures not already included in the proposed action or alternatives.

(4) *Affected Environment.* The Environmental Assessment shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The descriptions shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in the Environmental Assessment shall be commensurate with the significance of

the impact with less important material summarized, consolidated or simply referenced. Useless bulk in Environmental Assessments should be avoided, and effort should be concentrated on important issues.

(5) *Environmental Consequences.* This section forms the analytic basis for the comparisons under (3) above. It will include the environmental impacts of the alternatives including the proposed action; any adverse effects that cannot be avoided should the proposed action be implemented; the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity; and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. It should not duplicate discussions in paragraph (3) above. This section of the Environmental assessment should include discussions of direct effects and their significance; indirect effects and their significance; possible conflicts between the proposed action and land use plans, policies and controls for the areas concerned; energy requirements and conservation potential of various alternatives and mitigation measures; natural or depletable resource requirements and conservation potential of various requirements and mitigation measures; urban quality; historic and cultural resources and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures; and means to mitigate adverse environmental impacts.

(6) *List of Preparers.* The Environmental Assessment shall list the names and qualifications (expertise, experience, professional discipline) of the persons primarily responsible for preparing the Environmental Assessment or significant background papers including the basic components of the Environmental Assessment. Where possible the persons who are responsible for a particular analysis shall be identified.

(7) *Appendix.* An Appendix may be prepared, and may include material prepared in connection with an Environmental Assessment (as distinct from material which is not so prepared and which is incorporated by reference); material substantiating any analysis fundamental to the Environmental Assessment; and material that is analytic and relevant to the decision to be made.

(d) *Program Assessments.* Broad program Assessments may be required in order to assess the environmental effects of a number of individual actions and their cumulative environmental impact in a given country or geographic area, or the environmental impacts that

are generic or common to a class of agency actions, or other activities which are not country-specific. In these cases, a single, programmatic Assessment will be prepared in A.I.D./Washington and circulated to appropriate overseas Missions, host governments, and to interested parties within the United States. To the extent practicable, the form and content of the programmatic Environmental Assessment will be the same as for project Assessments. Subsequent Environmental Assessments on major individual actions will be necessary where such follow-on or subsequent activities may have significant environmental impacts on specific countries where such impacts have not been adequately evaluated in the programmatic Environmental Assessment.

In addition, the Environmental Coordinator may recommend that the Agency conduct other programmatic evaluations of classes of actions in an effort to establish additional categorical exclusions or design standards or criteria for such classes that will eliminate or minimize adverse effects of such actions, enhance the environmental effect of such action or reduce the amount of paperwork or time involved in these procedures. The format for such evaluations will depend upon the circumstances and purpose of each such evaluation.

(e) *Effect in Other Countries.* In a situation where an analysis indicates that potential effects may extend beyond the national boundaries of a recipient country and adjacent foreign nations may be affected, A.I.D. will urge the recipient country to consult with its neighbor(s) in advance of project approval and to negotiate mutually acceptable accommodations.

(f) *Classified Material.* Environmental Assessments will not normally include material classified or administratively controlled. However, there may be situations where environmental aspects cannot be adequately discussed without the inclusion of such material. The handling and disclosure of classified or administratively controlled material shall be governed by 22 CFR Part 9. Those portions of an Environmental Assessment which are not classified or administratively controlled will be made available to persons outside the Agency as provided for in 22 CFR Part 212.

§ 216.7 Environmental impact statements.

(a) *Applicability.*—Environmental Impact Statements will be prepared when major agency actions significantly affect:

(1) The global environment or areas outside the jurisdiction of any nation (e.g., the oceans);

(2) The environment of the United States; or

(3) As a matter of policy, other aspects of the environment at the discretion of the Administrator.

(b) *Effects on the United States:*

Content and Form—An Environmental Impact Statement relating to subparagraph (a)(2) shall comply with the CEQ Regulations. With respect to effects on the United States, the terms environment and significant effect wherever used in these procedures have the same meaning as in the CEQ Regulations rather than as defined in Section 216.1(c)(12) and (13) of these procedures.

(c) *Other Effects: Content and Form*—An Environmental Impact Statement relating to subparagraphs (a)(1) and (a)(3) will generally follow the CEQ Regulations, but will take into account the special considerations and concerns of A.I.D. Circulation of such an Environmental Impact Statement in draft form will precede approval of a Project Paper or equivalent and comments from such circulation will be considered before final project authorization as outlined in § 216.3 of these procedures. The draft Environmental Impact Statement will also be circulated by the Missions to affected foreign governments for information and comment. Draft Environmental Impact Statements generally will be made available for comment to Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved, and to public and private organizations and individuals for not less than forty-five (45) days. Notice of the draft Environmental Impact Statements availability will be published in the *Federal Register*. Cognizant Bureaus and Offices will submit these drafts for circulation through the Environmental Coordinator who will have the responsibility for coordinating all such communications with persons outside A.I.D. Any comments received by the Environmental Coordinator will be forwarded to the originating Bureau or Office for consideration in final policy decisions and the preparation of a final Environmental Impact Statement. All such comments will be attached to the final Statement, and those responsible comments not adequately discussed in the draft Environmental Impact Statement will be appropriately dealt with in the final Environmental Impact Statement. Copies of the final Environmental Impact Statement, with

comments attached, will be sent by the Environmental Coordinator to CEQ and to all other Federal, state, and local agencies and private organizations that made substantive comments on the draft, including affected foreign governments. Where emergency circumstances or considerations of foreign policy make it necessary to take an action without observing the provisions of Section 1506.10 of the CEQ Regulations, or when there are overriding considerations of expense to the United States or foreign governments, the originating Office will advise the Environmental Coordinator who will consult with Department of State and CEQ concerning appropriate modification of review procedures.

3. By deleting § 216.8 and adding new § 216.9 and 216.10 which read:

§ 216.9 Bilateral and multilateral studies and concise reviews of environmental issues.

Notwithstanding anything to the contrary in these procedures, the Administrator may approve the use of either of the following documents as a substitute for an Environmental Assessment (but not a substitute for an Environmental Impact Statement) required under these procedures:

(a) bilateral or multilateral environmental studies, relevant or related to the proposed action, prepared by the United States and one or more foreign countries or by an international body or organization in which the United States is a member or participant; or

(b) concise reviews of the environmental issues involved including summary environmental analyses or other appropriate documents.

§ 216.10 Records and reports.

Each Agency Bureau will maintain a current list of activities for which Environmental Assessments and Environmental Impact Statements are being prepared and for which Negative Determinations and Declarations have been made. Copies of final Initial Environmental Examinations, Assessments and Impact Statements will be available to interested Federal agencies upon request. The cognizant Bureau will maintain a permanent file (which may be part of its normal project files) of Environmental Impact Statements, Environmental Assessments, Determinations and Declarations which will be available to the public under the Freedom of Information Act. Interested persons can obtain information or status reports regarding Environmental Assessment and Environmental Impact Statements

through the A.I.D. Environmental Coordinator.

Dated September 20, 1979.

Robert H. Nooter,
Acting Administrator.

[FR Doc. 79-30294 Filed 9-26-79; 8:45 am]

BILLING CODE 4710-02-M

NATIONAL SCIENCE FOUNDATION

41 CFR Ch. 25

45 CFR Ch. VI

**Improving Government Regulations;
Semiannual Regulations Agenda**

AGENCY: National Science Foundation.

ACTION: Publication of semiannual regulations agenda.

SUMMARY: The National Science Foundation publishes its semiannual agenda of significant regulations under development or review as required by Executive Order 12044, *Improving Government Regulations* (43 FR 12661, March 24, 1978).

FOR FURTHER INFORMATION CONTACT:

For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Arthur J. Kusinski, Office of the General Counsel, National Science Foundation, Washington, D.C. 20550, (202) 632-4396.

A. Status of Regulations Previously Listed

1. Grants Policy Manual (NSF 77-47)

This document sets forth the basic policies and procedures in the award and administration of all Foundation grants. The manual is revised periodically as policies and procedures change. As such, the manual is undergoing continuous review. An updated edition of the manual is expected to be issued this fall. No significant changes in the manual have been made since the last agenda was published.

Legal basis for issuances: Section 11 of the National Science Foundation Act of 1950, as amended, (42 U.S.C. 1870) [hereinafter referred to as the NSF Act].

Name of agency official: Francis G. Naughten, Division of Grants & Contracts, (202) 632-4148.

Regulatory analysis: None required.

2. Conflict-of-Interest Regulations (45 CFR Part 600)

These regulations govern the conduct of NSF employees and officers and