

comment. Proposed Appendix 2 relating to categorical exclusions is being published in full text because of its potential interest to the public. An electronic version of the complete proposed Order including all proposed appendices is available at <http://dms.dot.gov>. Reference the docket number at the heading of this document. To request a copy of the draft Order by mail, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

The proposed FMCSA NEPA Order would establish a process for assessing environmental impacts, and for the preparation of Environmental Assessments (EAs), Findings of No Significant Impacts (FONSIs), and Environmental Impact Statements (EISs) for FMCSA actions. The FMCSA proposes to use this Order in conjunction with NEPA, the Council on Environmental Quality (CEQ) regulations at 40 CFR parts 1500–1508, DOT Order 5610.1C, as amended, and other pertinent environmental regulations, Executive Orders, statutes, and laws for consideration of environmental impacts of FMCSA actions. It will also be used, to the fullest extent possible, to conduct analyses and consultations required by the environmental authorities noted above in conjunction with NEPA implementation to reduce redundancy, paperwork, time, and cost.

This proposed FMCSA Order supplements DOT Order 5610.1C, as amended. It is important that persons using the proposed FMCSA Order refer to those sections of the DOT Order 5610.1C, as amended, cross-referenced in this document. Reference to the DOT Order will provide a wider perspective on the issues, as well as provide details that may prove applicable to certain projects and actions.

The proposed FMCSA Order would apply to all FMCSA actions including the decision to conduct research activities, promulgate regulations, award grants, and conduct major acquisitions.

An area of particular significance is Appendix 2 that contains FMCSA's proposed "categorical exclusions." As defined by the CEQ, a "categorical exclusion" or "CE" means a category of actions which do not individually or cumulatively have a significant effect on the environment and for which, therefore, neither an EA nor an EIS is required. In Appendix 2, the FMCSA has provided a detailed description of FMCSA actions and activities that FMCSA believes should be entitled to a "categorical exclusion" from NEPA review. The use of a CE is intended to

reduce paperwork and delay by eliminating the unnecessary preparation of EAs and EISs.

In developing FMCSA's list of proposed CEs, the FMCSA has collected certain documentation over a period of time showing that these actions do not typically have the potential to create significant environmental impacts. This supporting documentation consists of the following:

1. Motor carrier historical perspective explaining how no environmental documentation was required for years in motor carrier licensing proceedings or rulemakings with no potential for significant environmental impacts.

2. Copies (or data) of rulemaking actions published in the **Federal Register** where the public had *no objection* to their implementation based on environmental grounds.

3. CE determinations by other modal administrations, explaining the reasons why similar actions were so classified.

4. Written statements from FMCSA staff indicating that these actions should be classified as CEs.

5. Other pertinent environmental assessments, studies, etc.

Many of FMCSA CE determinations are based on the evaluations of similar actions of the former ICC and other current and former DOT modal administrations, such as, the United States Coast Guard, the Federal Aviation Administration, the Federal Railroad Administration, and the Federal Highway Administration. The FMCSA's use of categorical exclusions will reduce excessive and needless paperwork for agency actions that have proven to have no potential for significant environmental impacts.

The following is a brief description of the appendices that are not published in full text in this document:

1. Proposed Appendix 1 contains an environmental checklist designed to help FMCSA officials determine the proper level of NEPA analysis and to identify areas of potential problems and concern.

2. As stated, proposed Appendix 2, FMCSA Categorical Exclusions, is set forth in full text in this notice.

3. Proposed Appendix 3 lists the FMCSA regulatory actions that are typically subject to an environmental assessment.

4. Proposed Appendix 4 contains the sample format of the document FMCSA will use to give public notice of a categorical exclusion determination.

5. Proposed Appendix 5 is a sample format for an environmental assessment cover sheet.

6. Proposed Appendix 6 is a sample format for an environmental assessment document.

7. Proposed Appendix 7 is a sample format for a Finding Of No Significant Impact.

8. Proposed Appendix 8 is a sample format for an FMCSA notice of intent to prepare an environmental impact statement.

9. Proposed Appendix 9 is a sample format for a cover sheet for an FMCSA Environmental Impact Statement.

10. Proposed Appendix 10 is a sample format for an FMCSA notice used when a draft, supplemental, or final Environmental Impact Statement is published in full text in the **Federal Register**.

11. Proposed Appendix 11 is a sample format for a notice announcing the availability of a draft, supplemental, or final Environmental Impact Statement.

12. Proposed Appendix 12 is a sample format for an FMCSA Record of Decision notice announcing that FMCSA has published a Final Environmental Impact Statement.

13. Proposed Appendix 13 contains instructions for a Department statement under section 4(f) of the Department of Transportation Act (49 U.S.C. 303(c)). This section requires DOT to make special effort to preserve the natural beauty of the countryside, public parks, and recreation lands, wildlife and waterfowl refuges, and historic sites. The proposed instructions would supplement the 4(f) requirements of Attachment 2 to DOT Order 5610.1(C).

14. Proposed Appendix 14 contains guidance on the appropriate level of air quality analysis needed for each FMCSA action.

15. Proposed Appendix 15 contains instructions on the CEQ requirements for distribution of environmental impact statements. The proposed appendix addresses draft, final, and supplemental EIS documents and notices of hearings and meetings related to those documents.

16. Proposed Appendix 16 contains a list of relevant environmental statutes and Executive Orders.

17. Proposed Appendix 17 contains a flow chart/decision tree depicting FMCSA's NEPA review process.

18. Proposed Appendix 18 contains information that supplements Chapter 2 of the proposed Order dealing with special areas (e.g., hazardous materials, endangered species, etc.) that must be considered when implementing NEPA.

The FMCSA encourages full public participation during the comment period. Comments submitted will be considered in preparing a final FMCSA environmental Order.