

*Frequency of Collection: Ongoing.*

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: September 21, 2020.

**Robert Sidman,**

*Deputy Secretary of the Commission.*

[FR Doc. 2020-21096 Filed 9-23-20; 8:45 am]

BILLING CODE 6351-01-P

## COMMODITY FUTURES TRADING COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** 10:30 a.m. EDT, Wednesday, September 30, 2020.

**PLACE:** This meeting will be convened on a conference call.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

Enforcement matters. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at <https://www.cftc.gov/>.

**CONTACT PERSON FOR MORE INFORMATION:** Christopher Kirkpatrick, 202-418-5964.

**Authority:** 5 U.S.C. 552b.

Dated: September 21, 2020.

**Christopher Kirkpatrick,**

*Secretary of the Commission.*

[FR Doc. 2020-21131 Filed 9-22-20; 11:15 am]

BILLING CODE 6351-01-P

## COUNCIL ON ENVIRONMENTAL QUALITY

### Emergencies and the National Environmental Policy Act Guidance

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

**ACTION:** Notice.

**SUMMARY:** On September 14, 2020, the Council on Environmental Quality (CEQ) issued guidance, CEQ-NEPA-2020-01, in a memorandum to the heads of Federal departments and agencies (agencies) to assist agencies with compliance with the National Environmental Policy Act (NEPA) during emergencies. The CEQ regulations implementing NEPA provide for alternative arrangements during emergencies when an agency's action is likely to have significant effects and would require preparation of an environmental impact statement. This guidance also addresses compliance with NEPA when the action

is unlikely to have significant effects and might require preparation of an environmental assessment or application of a categorical exclusion.

**DATES:** This guidance is effective on September 14, 2020.

**FOR FURTHER INFORMATION CONTACT:**

Thomas Sharp, Principal Deputy Associate Director for NEPA, 202-395-5750, [Thomas.L.Sharp2@ceq.eop.gov](mailto:Thomas.L.Sharp2@ceq.eop.gov).

**SUPPLEMENTARY INFORMATION:**

**Guidance No. CEQ-NEPA-2020-01**

*Memorandum for Heads of Federal Departments and Agencies*

*From:* Mary B. Neumayr, Chairman.

*Subject:* Emergencies and the National Environmental Policy Act Guidance.

This guidance<sup>1</sup> updates and replaces previous guidance from the Council on Environmental Quality (CEQ) on the environmental review of proposed emergency response actions under the National Environmental Policy Act, 42 U.S.C. 4321-4347 (NEPA).<sup>2</sup> Federal departments and agencies (agencies) should distribute this guidance as part of their general guidance on emergency actions to agency offices that are or may become involved in developing and taking actions in response to emergencies.

As agencies respond to situations involving immediate threats to human health or safety, or immediate threats to valuable natural resources, they must consider whether there is sufficient time to follow the procedures for environmental review established in the CEQ National Environmental Policy Act Implementing Regulations, 40 CFR parts 1500-1508 (CEQ NEPA regulations),<sup>3</sup> and their agency NEPA procedures.

This guidance does not establish new requirements. CEQ established the regulation addressing alternative arrangements in emergency circumstances in 1978,<sup>4</sup> and amended it in 2020 to clarify that it provides for alternative arrangements for compliance with NEPA section 102(2)(C) (42 U.S.C. 4332(C)).<sup>5</sup> 40 CFR 1506.12. CEQ has approved, and agencies have applied successfully, numerous alternative arrangements to allow a wide range of

<sup>1</sup> The contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This memorandum is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

<sup>2</sup> This guidance replaces guidance issued by CEQ on September 29, 2016, May 12, 2010, and September 8, 2005. CEQ rescinds the prior guidance.

<sup>3</sup> <https://ceq.doe.gov/laws-regulations/regulations.html>.

<sup>4</sup> 43 FR 55977, Nov. 29, 1978.

<sup>5</sup> 85 FR 43304, July 16, 2020.

proposed actions in emergency circumstances including natural disasters, catastrophic wildfires, threats to species and their habitat, economic crisis, infectious disease outbreaks, potential dam failures, and insect infestations.<sup>6</sup>

Attachment 1 provides agencies with a step-by-step process for determining the appropriate path forward for the NEPA environmental review of all actions proposed in response to an emergency situation.

Environmental Impact Statements

The CEQ regulations, at 40 CFR 1506.12, provide for alternative arrangements for NEPA compliance in emergency situations when the agency proposal has the potential for significant environmental impacts and would require an environmental impact statement (EIS) if the situation were not an emergency:

Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of the regulations in [parts 1500-1508], the Federal agency taking the action should consult with the Council about alternative arrangements for compliance with section 102(2)(C) of NEPA. Agencies and the Council will limit such arrangements to actions necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA review.

Agencies develop these alternative arrangements, based on emergency-specific facts and circumstances, during consultation with CEQ. The alternative arrangements developed by an agency address the actions necessary to respond immediately to the impacts of an emergency. The long-term response to the emergency, including recovery actions, remains subject to the regular NEPA process set forth in the CEQ NEPA regulations.

Alternative arrangements do not waive the requirement to comply with the statute, but establish an alternative means for NEPA compliance. Alternative arrangements also do not complete or alter other environmental requirements (except as provided by other environmental statutes or regulations); however, engaging other resource and regulatory agencies about other environmental requirements during development and implementation of alternative arrangements can facilitate meeting other compliance requirements. Final agency action taken pursuant to alternative arrangements for compliance with NEPA under 40 CFR 1506.12 may

<sup>6</sup> A synopsis of previous alternative arrangements is available at [https://ceq.doe.gov/nepa-practice/alternative\\_arrangements.html](https://ceq.doe.gov/nepa-practice/alternative_arrangements.html).