

included as a part of the formal transmittal of a legislative proposal to the Congress.

**§ 10010.45 Time periods.**

(a) The minimum review period for a draft EIS will be sixty (60) days from the date of transmittal to the Environmental Protection Agency.

(b) The Commission will be responsible for consulting with the Environmental Protection Agency and/or CEQ about any proposed reductions in time periods or any extensions of time periods proposed by those agencies.

**Subpart E—Relationship to Decision-Making**

**§ 10010.46 Purpose.**

This subpart provides supplementary instructions for implementing those portions of the CEQ regulations pertaining to decision-making.

**§ 10010.47 Pre-decision referrals to CEQ.**

(a) Upon receipt of advice that another Federal agency intends to refer a Commission matter to CEQ, the Commission will immediately meet with that Federal agency to attempt to resolve the issues raised.

(b) Upon any referral of a Commission matter to CEQ by another Federal agency, the Executive Director will be responsible for coordinating the Commission's position.

**§ 10010.48 Decision-making procedures.**

(a) Procedures by which the Commission makes decisions are specified in 43 CFR part 10000.

(b) The Commission will incorporate in its formal decision-making procedures provisions for consideration of environmental factors and relevant environmental documents. The major decision points for principal programs likely to have significant environmental effects will be clearly identified.

(c) Relevant environmental documents, including supplements, will be included as part of the record in formal rule making or adjudicatory proceedings.

(d) Relevant environmental documents, comments, and responses will accompany proposals through existing review processes so that Commission officials use them in making decisions.

(e) The decision-maker will consider the environmental impacts of the entire range of alternatives described in any relevant environmental document; the range of these alternatives must encompass the actual alternatives considered by the decision-maker.

**§ 10010.49 Record of decision.**

(a) Any decision documents prepared for proposals involving an EIS may incorporate all appropriate provisions of 40 CFR 1505.2 (b) and (c).

(b) If a decision document incorporating these provisions is made available to the public following a decision, it will serve the purpose of a record of decision.

**§ 10010.50 Implementing the decision.**

The terms "monitoring" and "conditions" in 40 CFR 1505.3 of the CEQ regulations will be interpreted as being relevant to factors affecting the quality of the human environment.

**§ 10010.51 Limitations on actions.**

The Executive Director will notify the Chairman of the Commission and the Office of the Solicitor of any situations where Commission or applicant action would, if taken prior to completion of a NEPA proceeding, potentially have an adverse environmental impact or limit the choice of reasonable alternatives.

**§ 10010.52 Timing of actions.**

The Commission will consult with the Office of the Solicitor before making any request for reducing the time period before a decision or action.

**§ 10010.53 Emergencies.**

In the event of an unanticipated emergency situation, the Commission will immediately take any necessary action to prevent or reduce risks to public health or safety or serious resource losses and then expeditiously consult with the Office of the Solicitor about compliance with NEPA. The Commission will also be responsible for consulting with CEQ.