

C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this rule will not result in an annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule is a special local regulation. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

List of Subjects in 33 CFR Part 100

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T999–1129 to read as follows:

§ 100.T999–1129 Special Local Regulation; Milwaukee River and Menomonee River, Milwaukee, WI.

(a) *Location.* This special local regulation applies to the following regulated area: All waters of the Milwaukee River from the confluence with the Menomonee River and the Humboldt Avenue Bridge between coordinates: 43°01.915' N, 087°54.627' W, then north to 43°03.425' N, 087°53.882' W, and all navigable waters of the Menomonee River from the North 25th Street Bridge to the confluence with the Milwaukee River between coordinates: 43°01.957' N, 087°56.682' W, then east to 43°01.915' N, 087°54.627' W. These coordinates are based on the World Geodetic System (WGS 84).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Lake Michigan (COTP) in the enforcement of the regulated area. *Participant* means all persons and vessels registered with the event sponsor as a participant in the race.

(c) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the COTP or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (414) 747–7182. Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced on October 3, 2026, from 8 a.m. to 3:30 p.m.

Rhianna N. Macon,

Captain, U.S. Coast Guard, Captain of the Port Sector Lake Michigan.

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BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 775

National Environmental Policy Act Implementing Procedures

AGENCY: United States Postal Service.

ACTION: Interim final rule; request for comments.

SUMMARY: The United States Postal Service (USPS) is publishing this interim final rule with request for comments to partially rescind and update its remaining National Environmental Policy Act (NEPA) implementing procedures, which were promulgated to implement the now-rescinded Council on Environmental Quality (CEQ) regulations.

DATES: This interim final rule is effective September 25, 2026. Comments are due by October 26, 2026.

ADDRESSES: Interested parties may direct comments and questions to: Mr. Thomas Shepherd, Environmental Counsel, United States Postal Service, 475 L'Enfant Plaza SW, Office 6606, Washington, DC 20260–6201, or at NEPA@usps.gov.

All submissions must include the agency name, “United States Postal Service,” and the subject heading “NEPA Procedures Rulemaking.” Note that comments sent by mail may be subject to delay due to Federal security screening. Faxed comments are not accepted. All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Thomas Shepherd, Environmental Counsel, or Asif Ansari, Director, Environmental Affairs, at NEPA@usps.gov or at (202) 738–2939.

SUPPLEMENTARY INFORMATION:

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I. Introduction

USPS is revising its NEPA implementing regulations to contain only: (i) definitions of terms used in the regulations; (ii) administrative and routine actions excepted from NEPA review in appendix A; (iii) its revised categorical exclusions in appendix B based upon experience with existing regulations and new policies and infrastructure that have been implemented since the establishment of the categorical exclusions; (iv) related requirements for determining when NEPA applies to USPS actions and for the application of categorical exclusions; and (v) a provision for emergency circumstances. Going

forward, USPS will maintain the remainder of its NEPA procedures—which apply only to USPS's internal processes—in a Handbook separate from the Code of Federal Regulations (CFR). This interim final rule requests comments on this action and related matters to inform USPS's decision-making.

The Administrative Procedure Act does not apply to this action (5 U.S.C. 553(a)(2); 39 U.S.C. 410(a)), which is being taken pursuant to the Postal Service's general rulemaking authority under 39 U.S.C. 401(2). Nevertheless, the Postal Service is voluntarily soliciting public comments on its revision of 39 CFR part 775. Following the expiration of the comment period, the Postal Service may make further revisions to this action if the Postal Service's review of any comments submitted suggests that further revisions are warranted.

USPS is issuing this interim final rule to partially rescind and revise its remaining regulations codified at 39 CFR part 775 for implementation of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, as amended. USPS's existing NEPA implementing regulations were promulgated to “implement the [NEPA] regulations (40 CFR part 1500) issued by the Council on Environmental Quality (CEQ).” 39 CFR 775.1. A stated policy of USPS's existing regulations is to interpret and administer applicable policies, regulations, and public laws of the United States in accordance with the policies set forth in NEPA and CEQ's NEPA regulations. 39 CFR 775.2(a). But CEQ's NEPA regulations have been repealed, as of April 11, 2025. *See* Removal of National Environmental Policy Act Implementing Regulations, (90 FR 10610; Feb. 25, 2025 and 91 FR 618; Jan. 8, 2026)). CEQ's repeal of its regulations was necessitated by and is consistent with Executive Order (E.O.) 14154, Unleashing American Energy (90 FR 8353; January 29, 2025), in which President Trump rescinded President Carter's E.O. 11991, Relating to Protection and Enhancement of Environmental Quality (42 FR 26967; May 24, 1977), which was the basis CEQ had invoked for its authority to issue regulations. USPS's regulations implementing CEQ's rescinded regulations now requires revision.

Additionally, Congress amended NEPA in significant part in the Fiscal Responsibility Act of 2023 (FRA), Public Law 118–5, signed on June 3, 2023, and in the One Big Beautiful Bill Act of July 4, 2025 (OBBBA), Public Law 119–21. The FRA added substantial detail and direction in Title I of NEPA, including

in particular on procedural issues that CEQ and individual acting agencies had previously addressed in their own regulations. With the passage of the FRA and CEQ's rescission of its NEPA regulations, it is necessary that USPS conform its procedures to the statute as amended.

Finally, the Supreme Court issued its decision in *Seven County Infrastructure Coalition v. Eagle County, Colorado*, 145 S. Ct. 1497 (2025), in which it described the “transform[ation]” of NEPA from its roots as “a modest procedural requirement,” into a significant “substantive roadblock” that “paralyze[s]” “agency decisionmaking.” *Id.* at 1507, 1513 (quotations omitted). The Supreme Court explained that part of that problem had been caused by decisions of lower courts, which it rejected, issuing a “course correction” mandating that courts give “substantial deference” to reasonable agency conclusions underlying that agency's NEPA process. *Id.* at 1513–14. The Court also acknowledged, and through its course correction sought to address, the effect judicial “micromanage[ment]” has had on “litigation-averse agencies” which have been “tak[ing] ever more time and . . . prepar[ing] ever longer EISs [environmental impact statements] for future projects.” *Id.* at 1513. USPS, thus, is issuing this interim final rule to streamline its NEPA process in accordance with the Supreme Court's decision and changes to the underlying statute. This revision has thus been called for, authorized, and directed by all three branches of government at the highest possible levels.

USPS's procedures for implementing NEPA, 42 U.S.C. 4321 *et seq.*, as amended, are contained in 39 CFR part 775. USPS is issuing this interim final rule to revise 39 CFR part 775 so that it includes only administrative and routine actions excepted from NEPA review in appendix A, its categorical exclusions in appendix B, related requirements, and a provision for emergency circumstances. Other than these few provisions, USPS's procedures will be contained in the United States Postal Service NEPA Standard Operating Procedures, a copy of which is reprinted below for explanatory purposes only (and will not be codified in the CFR). The procedures are intended to be non-binding guidance.

The Supreme Court could not have been clearer in *Seven County* that NEPA is a procedural statute. *See Seven County*, 145 S. Ct. 1507 (“NEPA is a purely procedural statute.”); *see id.* at 1510 (“NEPA is purely procedural. . . . NEPA does not mandate particular

results, but simply prescribes the necessary process for an agency's environmental review of a project”); (internal quotation omitted); *id.* at 1511 (“NEPA is a purely procedural statute”); *id.* at 1513 (NEPA is properly understood as “a modest procedural requirement”); *id.* at 1514 (“NEPA's status as a purely procedural statute”); *see also id.* at 1507 (“Simply stated, NEPA is a procedural cross-check, not a substantive roadblock.”). USPS's decision to place NEPA implementing procedures in a guidance document is consistent with NEPA, the Supreme Court's opinion, and with the approach that several Federal agencies have used for decades.

A. National Environmental Policy Act

Congress enacted NEPA to declare a national policy “to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and [to] fulfill the social, economic, and other requirements of present and future generations of Americans.” 42 U.S.C. 4331(a).

NEPA, as amended, furthers this national policy by requiring Federal agencies to prepare an environmental impact statement (EIS)—“in essence, a report”—for proposed “major Federal actions significantly affecting the quality of the human environment.” 42 U.S.C. 4332(2)(C); *Seven County*, 145 S. Ct. 1507. This statement must address: (1) the reasonably foreseeable environmental effects of the proposed agency action; (2) any reasonably foreseeable adverse environmental effects that cannot be avoided should the proposal be implemented; (3) a reasonable range of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are technically and economically feasible, and meet the purpose and need of the proposal; (4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitments of Federal resources which would be involved in the proposed action should it be implemented. 42 U.S.C. 4332(2)(C).

NEPA does not mandate particular results or substantive outcomes. *Seven County*, 145 S. Ct. at 1510–1512. Rather, NEPA requires Federal agencies to consider the environmental effects of

proposed actions as timely and unified Federal reviews, including provisions clarifying lead, joint lead, and cooperating agency designations, generally requiring the development of a single environmental document, and directing agencies to develop part of agencies' decision-making processes. NEPA provides requirements to facilitate procedures for project sponsors to prepare environmental assessments and environmental impact statements, and prescribing page limits and deadlines. 42 U.S.C. 4336a. NEPA also sets forth the circumstances under which agencies may rely on programmatic environmental documents, 42 U.S.C. 4336b, and adopt and use another agency's categorical exclusions. 42 U.S.C. 4336c.

NEPA identifies three levels of review—categorical exclusion, environmental assessment, and environmental impact statement. 42 U.S.C. 4336a. A categorical exclusion is “a category of actions that a Federal agency has determined normally does not significantly affect the quality of the human environment within the meaning of [NEPA] section 102(2)(C).” 42 U.S.C. 4336e(1). An environmental assessment is a “concise” document “set[ting] forth the basis of [an] agency’s finding of no significant impact or determination that an environmental impact statement is necessary,” prepared in connection with a proposed agency action that does not have a significant impact or the significance of whose impact is unknown. 42 U.S.C. 4336(b)(2). An environmental impact statement is a document analyzing a proposed agency action with significant impact, governed by the provisions of 42 U.S.C. 4332(2)(C), 4336(b)(1).

B. CEQ NEPA Regulations

On January 20, 2025, President Trump issued E.O. 14154, *Unleashing American Energy*. 90 FR 8353 (Jan. 29, 2025) (“E.O. 14154”). The E.O. revoked E.O. 11991, *Relating to protection and enhancement of environmental quality* (42 FR 26967 (May 25, 1977)), which had directed CEQ to issue regulations implementing NEPA and required Federal agencies to comply with those regulations. E.O. 14154 at sec. 5. E.O. 14154 also directed CEQ to provide guidance on implementing NEPA and propose rescinding CEQ’s NEPA regulations within 30 days of the order. *Id.* at sec 5(a). CEQ issued an interim final rule rescinding its NEPA implementing regulations on February 25, 2025, effective April 11, 2025. 90 FR 10610 (Feb. 25, 2025). CEQ adopted the interim final rule as final on January 8, 2026. 91 FR 618 (Jan 8, 2026). Following

CEQ’s provision of initial guidance, E.O. 14154 directs the Chairman of CEQ to convene a working group to coordinate the revision of agency-level NEPA implementing regulations for consistency.

C. USPS NEPA Implementing Procedures and Regulations

In 1979, USPS established 39 CFR part 775 through a rulemaking that finalized USPS’ NEPA implementing regulations “in voluntary compliance with [CEQ’s] regulations for implementing the procedural provisions of [NEPA]” (44 FR 63524). USPS’ existing NEPA regulations in 39 CFR part 775 implemented and adopted the now-rescinded CEQ NEPA regulations. Part 775 was promulgated to “implement the [NEPA] regulations (40 CFR part 1500) issued by the Council on Environmental Quality (CEQ).” 39 CFR 775.1. A stated policy of USPS’ regulations is to interpret and administer applicable policies, regulations, and public laws of the United States in accordance with CEQ’s NEPA regulations. 39 CFR 775.2(a). The definitions in CEQ’s NEPA regulations are incorporated into USPS’ regulations. 39 CFR 775.4. Finally, USPS’ NEPA regulations commit USPS to prepare an environmental impact statement when necessary under the factors in CEQ’s NEPA regulations. 39 CFR 775.5(a).

USPS has revised its NEPA regulations several times, including the following revisions:

- 1982 for modification to local notice requirements to align with CEQ regulations (47 FR 19992);
- 1983 for modifications due to changes in the intergovernmental review process (48 FR 29370);
- 1985 for revisions to environmental assessment process and a correction (50 FR 32411 and 50 FR 33036);
- 1990 for revisions to categorical exclusions, environmental evaluation process, and environmental impact statement requirements (55 FR 10452);
- 1998 to modify procedures and categorical exclusions based upon experience and new policies and infrastructure implemented since the restructuring of the USPS in 1992 (63 FR 45719);
- 2000 for revisions to environmental evaluation process (65 FR 41042); and
- 2014 to amend a categorical exclusion through an interim final rule with request for comments to make the exclusion more consistent with the intended scope of covered activities and with categorical exclusions used by other Federal entities for property disposals (79 FR 2102 and 79 FR 33095).

USPS has decided that the rescission of CEQ’s NEPA regulations and the recent legislative and judicial developments requires revision of 39 CFR part 775. Moreover, USPS has decided that the flexibility to respond to new developments in this fast-evolving area of law, afforded by using non-codified procedures, outweighs the utility of maintaining its full NEPA procedures as regulations going forward. USPS has decided to retain certain NEPA procedures in regulation pertaining to the purpose of the procedures (Section 775.1), defined terms to ensure clarity (Section 775.2), incorporation of the procedures into USPS planning (Section 775.3), identification and use of Categorical Exclusions (Section 775.4), and procedures to address emergencies (Section 775.5). The remainder of USPS’ NEPA procedures are set forth in USPS’s NEPA standard operating procedures to ensure flexibility. While codified procedures as regulations can provide visibility to the public, USPS will ensure such visibility simply by posting these procedures online. By contrast, not maintaining the majority of its procedures as regulations will enable it to rapidly update these procedures in response to future court decisions (such as *Seven County*) or legislation (such as the FRA and OBBBA).

USPS’s new NEPA implementing procedures are a more faithful implementation of the statute as amended in 2023 and 2025 than its old procedures. They implement major 2023 amendments, such as deadlines and page limits for environmental assessments and environmental impact statements, as directed at NEPA Section 107(g), and provide that USPS will complete preparation of these documents within the maximum length and on the timeline that Congress intends. They incorporate Congress’s definition of “major Federal action” and the exclusions thereto, as codified at NEPA Section 111(10). They incorporate Congress’s mandated procedure for determining the appropriate level of review under NEPA, as codified in NEPA Section 106. In addition, they incorporate Congress’s revision to the requirements for what an agency must address in its environmental impact statements, as codified at NEPA Section 102(2)(C), and Congress’s requirement that public notice and solicitation of comment be provided when issuing a notice of intent to prepare an environmental impact statement, as directed at NEPA Section 107(c). All of these are crucial features of Congress’s policy design and its purpose in the

amendments that NEPA review be more efficient and certain.

USPS's new NEPA implementing procedures also reflect the Supreme Court's recent and unequivocal statement that NEPA is a purely procedural statute. USPS is conscious of the Supreme Court's admonition that NEPA review has grown out of all proportion to its origins as a "modest procedural requirement," creating, "under the guise of just a little more process," "[d]elay upon delay, so much so that the process seems to 'borde[r] on the Kafkaesque.'" *Seven County*, 145 S. Ct. at 1513–14 (internal quotation omitted). These procedures, therefore, attempt to align NEPA with its congressionally mandated dimensions, reflecting the guidance given also by the President and the Supreme Court, and making review under it faster, more flexible, and more efficient.

In reaching this decision, USPS acknowledges that third parties may claim to have reliance interests in USPS' existing NEPA procedures. But as the Supreme Court explained, NEPA "is a purely procedural statute" that "imposes no substantive environmental obligations or restrictions." *Seven County*, 145 S. Ct. at 1507. To the extent any asserted reliance interests are grounded in substantive environmental concerns, such interests are entitled to "no . . . weight." *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1914 (2020).

Because reliance interests are inherently backward-looking, it is unclear how any party could assert reliance interests in *prospective* procedures. To the extent such interests exist, the USPS holds that they are "outweigh[ed]" by "other interests and policy concerns." *Id.* Namely, the complex web of regulations that preexisted the 2023 and 2025 amendments to NEPA and these new procedures repeatedly "led to more agency analysis of separate projects, more consideration of attenuated effects, more exploration of alternatives to proposed agency action, more speculation and consultation and estimation and litigation," which in turn has meant that "[f]ewer projects make it to the finish line," or even "to the starting line." *Seven County*, 145 S. Ct. at 1513–14. This has increased the cost of projects dramatically, resulting in systemic harms to America's infrastructure and economy. *Id.* Correspondingly, the wholesale revision and simplification of this regime, effectuated by the revision of USPS' NEPA procedures and relocation of them to the United States Postal Service NEPA Standard Operating Procedures,

is necessary to ensure efficient and predictable reviews and will significantly assist USPS' policy to provide prompt, reliable, and efficient services to patrons in all areas and to render postal services to all communities. 39 U.S.C. 101(a). This set of policy considerations drastically outweighs any claimed reliance interests in the preexisting procedures.

USPS has revised its NEPA implementing procedures to conform to the statutory amendments and to address the pathologies of the NEPA process and NEPA litigation identified by the Supreme Court.

Where USPS has retained an aspect of its preexisting NEPA implementing procedures, in guidance or regulation, it is because that aspect is compatible with these guiding principles; where USPS has revised or removed an aspect, it is because that aspect is not compatible.

D. Changes Made in This Interim Final Rule

In 39 CFR part 775, USPS is revising section 775.1, Purpose, to remove the reference to the CEQ NEPA implementing regulations.

USPS is removing sections 775.2 and 775.3 and renumbering the Definitions from section 775.4 to be section 775.2 and removing definitions that are no longer relevant to this Part. Section 775.2 now incorporates the defined terms in NEPA § 111, 42 U.S.C. 4336e, and defines additional terms used in the revised regulations. USPS is adding a new section 775.3, NEPA and Postal Service Planning, to provide clarity on the applicability of NEPA to USPS actions.

USPS is removing section 775.5 and renumbering the Categorical Exclusions from section 775.6 to be section 775.4. USPS is revising the language in this section to provide clarity on the application of the categorical exclusions. USPS is removing administrative and routine actions that were included in the categorical exclusions. These types of actions can now be classified as actions where NEPA does not apply because they do not fall within the definition of "major Federal action" in Section 110(10) of NEPA, 42 U.S.C. 4336e(10). These actions have been retained as appendix A for ease of reference and to avoid confusion. USPS is also modifying several existing categorical exclusions based upon its experience with the exclusions since they were established, the amendments to NEPA, and the Supreme Court's recent decision in *Seven County*. USPS is adding two new categorical exclusions relating to its

general actions for the procurement and/or fuel conversion of fuel efficient and reduced emission vehicles and for processing network actions necessary to improve performance and achieve operational efficiencies that do not significantly adversely impact traffic safety, congestion or air quality.

USPS is removing all other sections in part 775 and is adding a new section for emergency responses numbered as section 775.5, Emergencies.

1. Purpose

The revised section 775.1 removes reference to CEQ's rescinded NEPA-implementing regulations. The purpose of part 775 is to establish certain procedures that the Postal Service will use to comply with the NEPA statute.

2. Definitions

The revised section 775.2 incorporates the definitions in 42 U.S.C. 4336e and sets forth the definitions of additional terms used in part 775.

3. NEPA and Postal Service Planning

The revised section 775.3 clarifies when NEPA applies to a proposed USPS action consistent with the NEPA statute, as amended. Section 775.3 references a non-exhaustive list of administrative and routine actions that are not within the scope of NEPA. The list of exempt administrative and routine actions is contained in Appendix A to part 775.

4. Administrative and Routine Actions Excepted From NEPA Review

39 CFR part 775, Appendix A, identifies actions that are solely administrative and routine. NEPA does not apply to such actions that are undertaken to support the normal conduct of USPS business. While such activities are Federal actions, they are not "major" and therefore not subject to NEPA. These actions are now classified as actions where NEPA does not apply because they do not fall within the definition of "major Federal action" in Section 110(10) of NEPA, 42 U.S.C. 4336e(10). Most of the actions identified in Appendix A were previously subject to categorical exclusions, which USPS has now determined are not major Federal actions. This includes all the actions in Appendix A except A5, A8, A14, A17, and A18.

5. Categorical Exclusions

In Section 775.4, USPS is revising its procedures for establishing, revising, adopting, removing, and applying categorical exclusions to a proposed action to provide clarity to USPS and to align with the NEPA statute, as amended. Section 775.4(f) also sets forth

procedures for USPS to rely on categorical exclusion determinations of other agencies. Categorical exclusions represent those categories of actions that USPS has determined normally do not significantly affect the environment. Categorical exclusions provide important efficiency by ensuring that many agency actions are not subjected to additional NEPA review and can proceed using the significantly truncated process identified in the USPS NEPA regulations for determining that a categorical exclusion applies and ensuring that no “extraordinary circumstances” are present that may affect the significance of environmental effects of the proposal and thus, would preclude reliance on the categorical exclusion.

The list of categorical exclusions has been removed from the body of USPS’ NEPA-implementing regulations and is now contained in Appendix B to part 775. Although USPS is retaining many of the categorical exclusions from the rescinded regulations, the rule revises the list to move certain categorical exclusions that addressed administrative and routine actions excepted from NEPA review to Appendix A to part 775, which, as noted in the previous section, identifies actions that are not “major Federal actions” within the definition under NEPA and thus are not subject to NEPA.

Also, certain categorical exclusions are modified based on USPS’ experiences in applying the categorical exclusions since they were established. Specifically, categorical exclusion B1.b is revised to use current terminology for the procurement of systems, computers, and equipment, as well as to include the procurement, installation, operation, removal of electrical equipment.

Categorical exclusion B1.c. is revised to provide clarity. The original language in the categorical exclusion limited its applicability to facility functions not requiring construction in general, when USPS’ procedures required EAs only for certain construction activities. Moreover, the original language only recognized a vague “substantial relocation of employees” or “no substantial increase in the number of motor vehicles at a facility” without any clarity regarding what is “substantial” or recognizing that employee relocations and vehicle reassignments are often routine actions that do not fall under NEPA. The revised language clarifies that facility functions are categorically excluded unless USPS has determined the action possesses the potential for significant impacts to the human environment and identifies the need for an environmental assessment. The

categorical exclusion is also modified to reflect that the list of actions requiring environmental assessments has been moved to the procedures in United States Postal Service NEPA Standard Operating Procedures.

Categorical exclusion B1.f. is added to facilitate and encourage environmental review of its routine vehicle procurements. To fall within the scope of this exclusion, the new vehicles must have comparable or improved relative fuel efficiency and comparable or improved relative air emissions, as compared with the vehicles being replaced in use or service. This proposed categorical exclusion has been drafted narrowly to apply only where the vehicles being procured or converted are environmentally superior in terms of both relative air emissions and fuel efficiency than the vehicles being replaced. Where either of the air emission or fuel efficiency factors is not satisfied, the Postal Service would conduct either an environmental assessment or environmental impact statement, as appropriate.

Categorical exclusion B1.g. is added to facilitate and encourage environmental review of its processing network optimizations. Such network actions are designed to reduce costs that bear a direct relationship with environmental impacts. For example, lengthening a service standard or routing transportation through certain hubs allow for the trucks to be more optimally filled, reducing the total number of trips and/or miles driven required to deliver the same quantity of mail and packages. The reduced miles traveled resulting from network rationalization (including facility consolidations, workforce reduction and service standard changes) significantly reduced air emissions and other environmental impacts, such as noise, waste generation and energy conservation. In the event that a network change would not have neutral or beneficial impacts, and therefore a potential for significant environmental impacts, the new categorical exclusion clarifies that such processing network actions are not eligible for the exclusion. This categorical exclusion would not apply to actions relating to real property as such actions are covered under other existing USPS NEPA procedures or categorical exclusions.

Categorical exclusion B4.g. is revised to treat property disposals and acquisitions consistently. USPS has already determined that disposals of property where the planned or reasonably anticipated uses are similar to existing or surrounding properties are not actions that, individually or

cumulatively, have significant impacts on the environment (see 79 FR 33095, June 10, 2014). It also now determines that the same logic applies to situations where USPS acquires a property when its planned or reasonably anticipated use for the property is similar to current surrounding uses. USPS also finds that, as revised, categorical exclusion B4.g. will better comport with existing categorical exclusion B4.d., which covers the acquisition or disposal of existing facilities and real property where the planned uses do not differ significantly from past uses of the site.

Categorical exclusions B4.j., B4.k., and B4.m. are modified to reflect that the list of actions requiring environmental assessments has been moved to the procedures in United States Postal Service National Environmental Policy Act (NEPA) Standard Operating Procedures.

6. Emergency Responses

Finally, USPS is replacing section 775.5 to identify NEPA procedures for emergencies. The existing procedures did not account for emergency situations that require alternative arrangements. Now, USPS can take necessary action with reasonably foreseeable significant environmental effects without observing its NEPA procedures, so long as USPS consults with CEQ about alternative arrangements for compliance with NEPA.

II. USPS Solicits Comments

The Administrative Procedure Act does not apply to this action (5 U.S.C. 553(a)(2); 39 U.S.C. 410(a)), which is being taken pursuant to the Postal Service’s general rulemaking authority under 39 U.S.C. 401(2). Nevertheless, the Postal Service has elected voluntarily to solicit comments on the revision of 39 CFR part 775.

Note that this interim final rule is effective upon its date of publication in the **Federal Register**. The Postal Service will review any comments received during the 30-day comment period. Following the expiration of the comment period, the Postal Service may make further revisions to this action if the Postal Service’s review of any comments submitted suggests that further revisions are warranted.

List of Subjects in 39 CFR Part 775

Environmental impact statements.

For the reasons stated in the preamble, 39 CFR part 775 is revised to read as follows:

PART 775—NATIONAL ENVIRONMENTAL POLICY ACT PROCEDURES

Sec.

775.1 Purpose.

775.3 NEPA and Postal Service planning.

775.4 Categorical exclusions.

775.5 Emergencies.

775.6 through 775.14 [Reserved]

Appendix A to Part 775—Administrative and Routine Actions Excepted from NEPA Review

Appendix B to Part 775—Categorical Exclusions

Authority: 39 U.S.C. 401; 42 U.S.C. 4321 *et seq.*

§ 775.1 Purpose.

The purpose of this part is to establish certain procedures that the United States Postal Service (Postal Service) shall use to comply with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), as amended.

§ 775.2 Definitions.

As used in this part, terms have the meanings provided in NEPA section 111, 42 U.S.C. 4336e. In addition:

(a) *NEPA* means the National Environmental Policy Act, as amended (42 U.S.C. 4321, *et seq.*).

(b) *Authorization* means any license, permit, approval, finding, determination, or other administrative decision issued by an agency that is required or authorized under Federal law in order to implement a proposed action.

(c) *Connected action* means a separate Federal action within the authority of the Postal Service that is closely related to the proposed action and should be addressed in a single NEPA document because the proposed action:

(1) Automatically triggers the separate Federal action, which independently would require the preparation of additional NEPA documents;

(2) Cannot proceed unless the separate Federal action is taken previously or simultaneously; or

(3) Is an interdependent part of a larger Federal action that includes a separate Federal action, which mutually depend on the larger Federal action for their justification.

(d) *Effects* or impacts means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives.

(1) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic

(such as the effects on employment), social, or health effects. Effects appropriate for analysis under NEPA may be either beneficial or adverse, or both, with respect to these values.

(2) A “but for” causal relationship is insufficient to make an agency responsible for a particular effect under NEPA. Effects should generally not be considered if they are remote in time, geographically remote, or the product of a lengthy causal chain. Effects do not include those effects that the agency has no ability to prevent due to the limits of its regulatory authority or that would occur regardless of the proposed action.

(e) *Human environment* means comprehensively the natural and physical environment and the relationship of Americans with that environment. (See also the definition of “effects” in paragraph (c) of this section.)

(f) *Jurisdiction by law* means agency authority to approve, veto, or finance all or part of the proposal.

(g) *Record of Environmental Consideration (REC)* means the Postal Service form that identifies the Postal Service’s review of proposed activities under NEPA.

(h) *Related action* means an action undertaken by an agency, *e.g.*, a permitting action, some other type of authorization action, an analysis required by statute, or the like, that bears a relationship to other actions undertaken by other agencies relevant to NEPA, *e.g.*, that is an independent part of a larger action and depends on the larger action for its justification.

(i) *Reasonably foreseeable* means sufficiently likely to occur such that a person of ordinary prudence would take it into account in reaching a decision.

§ 775.3 NEPA and Postal Service planning.

The Postal Service will determine that NEPA does not apply to a proposed action when:

(a) The activity or decision does not result in final action;

(b) The proposed activity or decision is exempted from NEPA by law;

(c) Compliance with NEPA would clearly and fundamentally conflict with the requirements of another provision of law;

(d) In circumstances where Congress by statute has prescribed decisional criteria with sufficient completeness and precision such that the Postal Service retains no residual discretion to alter its action based on the consideration of environmental factors, then that function of the Postal Service is nondiscretionary within the meaning of NEPA sec. 106(a)(4) and/or sec. 111(10)(B)(vii) (42 U.S.C. 4336(a)(4) and

4336e(10)(B)(vii), respectively), and NEPA does not apply to the action in question;

(e) The proposed action is an action for which another statute’s requirements serve the function of agency compliance with NEPA; or

(f) The proposed action is not a “major Federal action.” In addition to the illustrative general categories set forth in NEPA sec. 111(10), 42 U.S.C. 4336e(10), the Postal Service has determined that the non-exhaustive list of the Postal Service’s activities identified in appendix A to this part are not subject to NEPA because they presumptively do not meet the definition of a “major Federal action.”

§ 775.4 Categorical exclusions.

(a) *Generally*. This section describes the process the Postal Service uses for establishing and revising categorical exclusions, for adopting other agencies’ categorical exclusions, for removing categorical exclusions, and for applying categorical exclusions to a proposed action. The Postal Service’s categorical exclusions, including categorical exclusions the Postal Service established and substantiated consistent with its NEPA procedures, legislative categorical exclusions, and categorical exclusions adopted from other agencies, are listed in appendix B to this part.

(b) *Establishing and revising categorical exclusions*. To establish or revise a categorical exclusion, the Postal Service will determine that the category of actions normally does not significantly affect the quality of the human environment. In making this determination, the Postal Service will:

(1) Develop a written record containing information to substantiate its determination;

(2) Consult with CEQ on its proposed categorical exclusion, including the written record, prior to providing public notice as described in paragraph (b)(3) of this section; and

(3) Provide public notice in the **Federal Register** of the Postal Service’s establishment or revisions of the categorical exclusion and the location (*e.g.*, website) of availability of the written record.

(c) *Adopting categorical exclusions from other Federal agencies*. Consistent with NEPA sec. 109, 42 U.S.C. 4336c, the Postal Service may adopt a categorical exclusion listed in another agency’s NEPA procedures. When adopting a categorical exclusion, the Postal Service will:

(1) Identify the categorical exclusion listed in the agency’s NEPA procedures that covers its category of proposed or related actions;

(2) Consult with the agency that established the categorical exclusion to ensure that the proposed adoption of the categorical exclusion is appropriate;

(3) Provide public notification in the **Federal Register** of the categorical exclusion that the Postal Service is adopting, including a brief description of the proposed action or category of proposed actions to which the Postal Service intends to apply the adopted categorical exclusion, a brief summary of the consultation with the originating agency, and the list of extraordinary circumstances that will apply; and

(4) Document the adoption of the categorical exclusion in appendix B to this part.

(d) *Removal of categorical exclusions.* To remove a categorical exclusion from appendix B to this part, the Postal Service will:

(1) Develop a written justification for the removal;

(2) Consult with CEQ on its proposed removal of the categorical exclusion, including the written justification, prior to providing public notice as described in paragraph (d)(3) of this section; and

(3) Provide public notice of the Postal Service's removal of the categorical exclusion and the written justification in the **Federal Register**.

(e) *Applying categorical exclusions.* If the Postal Service determines that one or more categorical exclusions cover a proposed action, the Postal Service will evaluate the action for extraordinary circumstances that indicate a normally excluded action is likely to have a reasonably foreseeable significant adverse effect.

(1) If an extraordinary circumstance is not present, the Postal Service will determine that the categorical exclusion applies to the proposed action and conclude review.

(2) The Postal Service will determine that the categorical exclusion applies to the proposed action and conclude review if the Postal Service either:

(i) Determines that, notwithstanding the extraordinary circumstance, the proposed action is not likely to result in reasonably foreseeable adverse significant effects; or

(ii) Modifies the proposed action to avoid those effects.

(3) The Postal Service will document in a Record of Environmental Consideration (REC) its evaluation of the applicability of one or more categorical exclusions listed in appendix B to this part for actions that may have extraordinary circumstances. Some of the categorical exclusions listed in appendix B cover actions for which there are no reasonable expectations of any changes in use or other changes that

could cause an environmental impact and/or have little or no potential for extraordinary circumstances. These are designated with an asterisk (*) in appendix B. When using a categorical exclusion for these actions, the Postal Service may prepare a simple written record (which may already be included in documentation prepared during the course of normal project development) that a specific categorical exclusion was determined to apply to a proposed action. Proprietary or confidential financial or trade information will be redacted and/or removed from any documentation of a categorical exclusion determination under this section.

(4) If the Postal Service determines that it cannot apply the categorical exclusion to the proposed action, the Postal Service will prepare an environmental assessment or environmental impact statement, as appropriate.

(f) *Reliance on categorical exclusion determinations of other agencies.* The Postal Service may also rely on another agency's determination that a categorical exclusion applies to a particular proposed action if the agency action covered by that determination and the Postal Service's proposed action are substantially the same, or if the Postal Service's proposed action is a subset of the agency action covered by that determination. The Postal Service will document its reliance on an agency's categorical exclusion determination in a REC.

(g) *List of categorical exclusions.* The Postal Service has established the categorical exclusions in appendix B to this part.

§ 775.5 Emergencies.

Where emergency circumstances make it necessary to take an action with reasonably foreseeable significant environmental effects without observing the provisions of these procedures, the Postal Service will consult with the CEQ about alternative arrangements for compliance with NEPA sec. 102(2)(C), 42 U.S.C. 4332(2)(C).

§§ 775.6 through 775.14 [Reserved]

Appendix A to Part 775— Administrative and Routine Actions Excepted From NEPA Review

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A1 Routine Postal Service Policy Development

Policy development, planning and implementation that relate to routine activities such as personnel, organizational changes or similar administrative functions.

A2 Routine Postal Service Actions

Routine actions, including the management of programs or activities necessary to support the normal conduct of agency business, such as administrative, financial, operational and personnel action that involve no commitment of resources other than manpower and funding allocations.

A3 Personnel Actions

Reduction in force resulting from workload adjustments, reduced personnel or funding levels, skill imbalances or other similar causes that do not affect more than 1,000 positions.

A4 Awards of Certain Contracts

Award of contracts for technical support services, management and operation of a government owned facility, and personal services.

A5 Clarifying or Administrative Contract Actions

Contract interpretations, amendments, and modifications that are clarifying or administrative in nature.

A6 Research, Studies, and Data Collection

Research activities and studies and routine data collection when such actions are clearly limited in context and intensity.

A7 Education and Training

Educational and informational programs and activities.

A8 Procedural Documents

Administrative, organizational, or procedural Policies, Orders, Notices, Manuals, and Guides.

A9 Postal and Mail Actions

Postal rate or mail classification actions, address information system changes, post office name and zip code changes.

A10 Legal Activities

Property protection, law enforcement and other legal activities undertaken by the Postal Inspection Service, the Law Department, the Judicial Officer, and the Inspector General.

A11 Trade Representation and Market Development

Activities related to trade representation and market development activities.

A12 Emergency Preparedness

Emergency preparedness planning activities, including designation of on-site evacuation routes.

A13 Equipment Procurement or Disposal

Procurement or disposal of mail handling or transport equipment.

A14 Disposal of Routinely Generated Wastes

Disposal of routinely generated wastes, including equipment, in compliance with Federal, State, and local laws.

A15 Waste Minimization Operations

Operational changes at an existing facility to minimize waste generation and for reuse of materials. These changes include but are not limited to, adding filtration and recycling systems to allow reuse of vehicle or machine oil, setting up sorting areas to improve process efficiency, and segregating waste streams previously mingled and assigning new identification codes to the two resulting streams.

A16 Procedural Rulemakings and Interpretations and Rulings With Existing Regulations

Rulemakings that are strictly procedural, and interpretations and rulings with existing regulations, or modifications or rescissions of such interpretations and rulings.

A17 International Postal Agreements

Approval of Postal Service participation in international postal agreements that would not commit the Postal Service to any specific projects or activities.

A18 Approval of Technical Exchange Arrangements

Approval of technical exchange arrangements for information, data, or personnel with other countries or international organizations.

Appendix B to Part 775—Categorical Exclusions**Table of Contents**

- B1 Categorical Exclusions Relating to General Postal Service Actions
- B2 Categorical Exclusions Relating to Emergency or Restoration Actions
- B3 Categorical Exclusions Relating to Maintenance or Repair Actions at Existing Facilities
- B4 Categorical Exclusions Relating to Real Estate Actions

See § 775.4(e)(3) for categorical exclusions with an asterisk (*)

B1 Categorical Exclusions Relating to General Postal Service Actions

(a) Minor reassignment of motor vehicles and purchase or deployment of motor vehicles to new locations that do not have significant adverse impacts to traffic safety, congestion or air quality.

(b) Procurement, installation, operation, removal or disposal of communication

systems, computers, data processing equipment, and electrical equipment.*

(c) Postal facility function changes, unless the proposed action is listed as requiring an environmental assessment (EA) in the Postal Service's procedures implementing the National Environmental Policy Act (NEPA).

(d) Closure or consolidation of post offices under 39 U.S.C. 404(d).

(e) Actions which have an insignificant effect upon the environment as established in a previously written EA and Finding of No Significant Impact (FONSI) or Environmental Impact Statement (EIS). Such repetitive actions shall be considered "reference actions" and a record of all decisions concerning these "reference actions" shall be maintained by the Chief Environmental Officer or designee. The proposed action must be essentially the same in context and the same or less in intensity or create fewer impacts than the "reference action" previously studied under an EA or EIS in order to qualify for this exclusion.

(f) Procurement and/or fuel conversion of vehicles, whether owned or leased, where the vehicles being procured or converted have both: (i) comparable or improved relative fuel efficiency and (ii) comparable or lower relative air emissions, as compared with the vehicles they are replacing in use or service, whether due to vehicle replacement, route growth or change in business needs.

(g) Processing network actions necessary to improve performance and achieve operational efficiencies, including service standard changes and route optimization, that do not significantly adversely impact traffic safety, congestion or air quality.

B2 Categorical Exclusions Relating to Emergency or Restoration Actions

(a) Any cleanup, remediation or removal action conducted under the provisions of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) or the Resource Conservation and Recovery Act (RCRA), any asbestos abatement actions regulated under the provisions of the Occupational Safety and Health Act (OSHA), or the Clean Air Act or any PCB transformer replacement or any lead based paint abatement actions regulated under the provisions of the Toxic Substances Control Act (TSCA), OSHA or RCRA.*

(b) Testing associated with environmental cleanups or site investigations.*

B3 Categorical Exclusions Relating to Maintenance or Repair Actions at Existing Facilities

(a) Siting, construction or operation of temporary support buildings or support structures.

(b) Routine maintenance and minor activities, such as fencing, that occur in floodplains or state and local wetlands or pursuant to the nationwide, regional or general permitting process of the US Army Corps of Engineers.*

(c) Routine actions normally conducted to protect and maintain properties and which do not alter the configuration of the building.*

(d) Changes in configuration of buildings required to promote handicapped

accessibility pursuant to the Architectural Barriers Act.*

(e) Repair to, or replacement in kind or equivalent of building equipment or components (e.g., electrical distribution, HVAC systems, doors, windows, roofs, etc.).*

(f) Internal modifications or improvements to structure, or buildings to accommodate mail processing, computer, communication or other similar types of equipment or other actions which do not involve modification to the external walls of the facility.*

(g) Joint development and/or joint use projects that only involve internal modifications to an existing facility.

(h) Noise abatement measures, such as construction of noise barriers and installation of noise control materials.

(i) Actions which require concurrence or approval of another Federal agency where the action is a categorical exclusion under the NEPA regulations of that Federal agency.

B4 Categorical Exclusions Relating to Real Estate Actions

(a) Obtaining, granting, disposing, or changing of easements, licenses and permits, rights-of-way and similar interests.

(b) Extension, renewal, renegotiation, or termination of existing lease agreements.*

(c) Purchase of Postal Service occupied leased property where the planned postal uses do not differ significantly from the past uses of the site.

(d) Acquisition or disposal of existing facilities and real property where the planned uses do not differ significantly from past uses of the site.

(e) Disposal through sale or outlease of unimproved real property.

(f) Disposal through sale, outlease, transfer or exchange of real property to other Federal or State agencies.

(g) Disposal or acquisition, whether through sale, lease, outlease, transfer or exchange, of properties where the size, area, topography, and zoning are similar to existing surrounding properties and/or where current, planned or reasonably anticipated uses are or would be similar to current surrounding uses (e.g., commercial store in a commercial strip, warehouse in an urban complex, office building in downtown area, or parking lot in an urban area).

(h) Acquisition of real property not connected to specific facility plans or when necessary to protect the interests of the Postal Service in advance of final project approval. This categorical exclusion only applies to the acquisition. Any subsequent use of the site for a facility project must be considered under this part.

(i) Acquisition and disposal through sale, lease, transfer, reservation or exchange of real property for nature and habitat preservation, conservation, a park or wildlife management.

(j) New construction of Postal Service owned or leased, or joint development and joint use projects, of any facility unless the proposed action is listed as requiring an EA in the Postal Service's NEPA procedures.

(k) Expansion or improvement of an existing facility where the expansion is within the boundaries of the site or occurs in a previously developed area unless the proposed action is listed as requiring an EA in the Postal Service's NEPA procedures.

(l) Construction and disturbance pursuant to a nationwide, regional or general permit issued by the US Army Corps of Engineers.

(m) Any activity in floodplains being regulated pursuant to part 776 of this chapter and is not listed as requiring an EA in the Postal Service's NEPA procedures.

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Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix—National Environmental Policy Act (NEPA) Standard Operating Procedures

United States Postal Service

National Environmental Policy Act (NEPA) Standard Operating Procedures

September 2026

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1.0 Standard Operating Procedures

1.1 Purpose

The purpose of these procedures is to integrate the National Environmental Policy Act (NEPA) into the Postal Service's decision-making processes. Specifically, the procedures: describe the process by which the Postal Service determines what actions are subject to NEPA's procedural requirements and the applicable level of NEPA review; ensure that relevant environmental information is identified and considered early in the process in order to ensure informed decision making; enable the Postal Service to conduct coordinated, consistent, predictable and timely environmental reviews; reduce unnecessary burdens and delays; and implement NEPA's mandates regarding lead and cooperating agency roles and page and time limits.

1.2 Procedural and Interpretive Rule

This document sets forth the Postal Service's procedures and practices for implementing NEPA. It further explains the Postal Service's interpretation of certain key terms in NEPA. It does not, nor does it intend to, govern the rights and obligations of any party outside the Federal government. It does, however, establish the procedures under which the Postal Service will typically fulfill its requirements under NEPA.

1.3 Consultation With the Council on Environmental Quality ("CEQ")

In addition to the process for establishing or revising categorical exclusions set forth in

§ 775.4, the Postal Service will consult with CEQ while developing or revising their proposed NEPA implementing procedures, in accord with NEPA § 102(2)(B), 42 U.S.C. 4332(B).

2.0 Responsibilities and Authority

2.1 Responsibilities

The Postal Service's Chief Environmental Officer is responsible for the overall development of policy regarding NEPA and other environmental policies.

2.2 Authority

NEPA imposes certain procedural requirements on the exercise of the Postal Service's existing legal authority in relevant circumstances. Nothing contained in these procedures is intended or should be construed to limit the Postal Service's other authorities or legal responsibilities.

3.0 NEPA and Postal Service Planning

3.1 Determining When NEPA Applies

The Postal Service's regulations for determining when NEPA applies to action are set forth in 39 CFR 775.3. To determine whether an action is a "major Federal action" under NEPA (42 U.S.C. 4336e(10)), the terms "major" and "federal action," each have independent force. NEPA applies only when both of these two criteria are met. While such a determination is inherently bound up in the facts and circumstances of each individual situation, and is thus reserved to the judgment of the Postal Service in each instance, the Postal Service provides its officers and the public at large with the following interpretive guidance:

The Postal Service will presume, on the basis of its experience, that the types of action listed in Appendix B to 39 CFR part 775 and in Section 6.3 of these procedures are generally "major."

NEPA does not apply to "non-Federal actions." Therefore, under the terms of the statute, NEPA does not apply to actions with no or minimal Federal funding, or with no or minimal Federal involvement where a Federal agency cannot control the outcome of the project. NEPA § 111(10)(B)(i), 42 U.S.C. 4336e(10)(B)(i). A but-for causal relationship is insufficient to make an agency responsible for a particular action under NEPA. Minimal Federal funding or involvement, which may in a causal sense be a but-for cause of an action, does not by itself convert that action into a Federal action within the meaning of the language of the statute.

3.2 Determining the Appropriate Level of NEPA Review

1. If the Postal Service determines under Section 3.1 and 39 C.F.R. 775.3 that NEPA applies to a proposed activity or decision, the Postal Service will then determine the appropriate level of NEPA review in the following sequence and manner. At all steps in the following process, the Postal Service will consider the proposed action or project at hand and its effects.

a. If the Postal Service has established, or adopted pursuant to NEPA § 109, 42 U.S.C. 4336c, a categorical exclusion that covers the proposed action, the Postal Service will analyze whether to apply the categorical

exclusion to the proposed action and apply the categorical exclusion, if appropriate, pursuant to 39 CFR 775.4.

b. If an agency has already established a categorical exclusion that covers the proposed action, the Postal Service will consider whether to adopt that exclusion pursuant to 39 CFR 775.4(c) so that it can be applied to the proposed action at issue, and to future activities or decisions of that type.

c. If the proposed action warrants the establishment of a new categorical exclusion, or the revision of an existing categorical exclusion, pursuant to 39 CFR 775.4(b), the Postal Service will consider whether to so establish or revise, and then apply the categorical exclusion to the proposed action pursuant to 39 CFR 775.4(e).

d. If the Postal Service cannot apply a categorical exclusion to the proposed action consistent with paragraph 1.(a-c), the Postal Service will consider the proposed action's reasonably foreseeable effects consistent with paragraph 2. of this Subsection, and then will:

- if the proposed action is not likely to have reasonably foreseeable significant effects or the significance of the effects is unknown, develop an environmental assessment, as described in Section 6.0 below; or

- if the proposed action is likely to have reasonably foreseeable significant effects, develop an environmental impact statement, as described in Section 10.0 below.

2. When considering whether the reasonably foreseeable effects of the proposed action are significant, the Postal Service will analyze the potentially affected environment and degree of the effects of the action. The Postal Service may use any reliable data source and will not undertake new research unless it is essential to evaluating alternatives and the cost and time of obtaining it are not unreasonable.

a. In considering the potentially affected environment, the Postal Service may consider, as appropriate to the specific action, the affected area (national, regional, or local) and its resources.

b. In considering the degree of the effects, the Postal Service may consider the following, as appropriate to the specific action:

- Both short- and long-term effects.
- Both beneficial and adverse effects.
- Effects on public health and safety.
- Economic effects.
- Effects on the quality of life of the American people.

4.0 NEPA and Postal Service Decisionmaking

4.1 Planning and Early Coordination

Early planning and coordination among postal functional groups is required to properly consider environmental issues that may be attributable to the proposed action. Operational and facility personnel must cooperate in the early concept stages of a program or project. If it is determined that more than one postal functional group will be involved in any action, a lead organization will be selected to complete the NEPA process before any NEPA documents are prepared.

4.2 Limitations on Actions During the NEPA Process

Until the Postal Service issues a record of decision or finding of no significant impact, or makes a categorical exclusion determination, as applicable, the Postal Service will take no action concerning a proposal that would:

1. have an adverse environmental effect; or
2. limit the choice of reasonable alternatives.

5.0 Categorical Exclusions

5.1 General

Categorical exclusions are actions that the Postal Service has determined do not normally have a significant impact on the human environment. To be categorically excluded, it must be determined that a proposed action fits within a class listed and there are no extraordinary circumstances that may affect the significance of environmental effects of the proposal. The action must not be connected to other actions with potentially significant impacts or is not related to other proposed actions with potentially significant impacts. Extraordinary circumstances are those unique situations presented by specific proposals, such as scientific controversy about the environmental impacts of the proposal, uncertain effects or effects involving unique or unknown risks.

5.2 List of Categorical Exclusions

A list of categorical exclusions is contained in Appendix B to 39 CFR part 775.

6.0 Environmental Assessments

6.1 Generally

If an action is subject to NEPA, as determined following these procedures, and unless the Postal Service finds that the proposed action is excluded from having to prepare an environmental assessment or environmental impact statement pursuant to a categorical exclusion as determined following these procedures, or by another provision of law, the Postal Service will prepare an environmental assessment with respect to a proposed action that does not have a reasonably foreseeable significant effect on the quality of the human environment, or if the significance of such effect is unknown. Environmental assessments are to be concise. NEPA § 106(b)(2); 42 U.S.C. 4336(b)(2).

6.2 Elements

For the purpose of providing evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact, environmental assessments:

1. Briefly discuss the:
 - a. Purpose and need for the proposed action based on the Postal Service's statutory authority;
 - b. Alternatives to the extent required by NEPA § 102(2)(H), 42 U.S.C. 4332(2)(H); and
 - c. The reasonably foreseeable effects of the proposed action and the alternatives considered.

In preparing the environmental assessment, the Postal Service will focus its

analysis on whether the environmental effects of the action or project at hand are significant. Similarly, the Postal Service will document in the environmental assessment where and how it drew a reasonable and manageable line relating to its consideration of any environmental effects from the action or project at hand that extend outside the geographical territory of the project or might materialize later in time.

6.3 Actions Normally Requiring an Environmental Assessment

The following classes of actions normally require environmental assessments, but likely do not require an environmental impact statement:

1. Proposed actions that do not fall under a categorical exclusion, but with respect to which there is no clear indication that significant effects will result;
2. Proposed actions typically covered by a categorical exclusion but that involve an extraordinary circumstance, where the presence of the extraordinary circumstance prevents the Postal Service from applying the categorical exclusion under 39 CFR 775.4;
3. Any action that would adversely affect a federally listed threatened or endangered species or its habitat;
4. Any action that would directly affect public health;
5. Any action that would require development within park lands, or be located in close proximity to a wild or scenic river or other ecologically critical area;
6. Any action that may have highly uncertain or unknown risks on the human environment;
7. Any action that threatens a violation of applicable federal, state, or local law or requirements imposed for the protection of the environment;
8. New construction of a facility with vehicle bulk fuel dispensing capabilities, whether owned or leased;
9. Acquisition or lease of an existing building involving new uses or a change in use resulting in more severe adverse environmental impacts than the prior use; and
10. Relocation of 300 or more employees from a single facility more than 50 miles.

6.4 Page Limits

The text of an environmental assessment is strictly prohibited from exceeding 75 pages, not including citations or appendices.

1. Appendices are to be used for voluminous materials, such as scientific tables, collections of data, statistical calculations, and the like, which substantiate the analysis provided in the environmental assessment or environmental impact statement. Appendices are not to be used to provide additional substantive analysis, because that would circumvent the congressionally mandated page limits.
2. Environmental assessments will be formatted for an 8.5" x 11" page with one-inch margins using a word processor with 12-point proportionally spaced font, single spaced. Footnotes may be in 10-point font. Such size restrictions do not apply to explanatory maps, diagrams, graphs, tables, and other means of graphically displaying

quantitative or geospatial information, although pages containing such material do count towards the page limit. When an item of graphical material is larger than 8.5" x 11", each such item will count as one page.

3. Certification Related to Page Limits. The breadth and depth of analysis in an environmental assessment will be tailored to ensure that the environmental analysis does not exceed this page limit. In this regard, as part of the finalization of the environmental assessment, a responsible official will certify (and the certification will be incorporated into the environmental assessment) that the Postal Service has considered the factors mandated by NEPA; that the environmental assessment represents the Postal Service's good-faith effort to prioritize documentation of the most important considerations required by the statute within the congressionally mandated page limits; that this prioritization reflects the Postal Service's expert judgment; and that any considerations addressed briefly or left unaddressed were, in the Postal Service's judgment, comparatively not of a substantive nature that meaningfully informed the consideration of environmental effects and the resulting decision on how to proceed.

6.5 Deadlines

The Postal Service will complete the environmental assessment not later than 1 year after either the date on which it determines that NEPA requires the preparation of an environmental assessment with respect to such action or the date on which the Postal Service issues a notice of intent to prepare the environmental assessment for such action, whichever is earliest.

1. The environmental assessment will publish (unless the deadline is extended pursuant to the provision below), at the latest, on the day the deadline elapses, in as substantially complete form as is possible.

2. Deadline extensions. If the Postal Service determines it is not able to meet the deadline, it may establish a new deadline for cause. Cause for establishing a new deadline is only established if the environmental assessment is so incomplete, at the time at which the Postal Service determines it is not able to meet the statutory deadline and that issuance pursuant to paragraph 1. above would, in the Postal Service's view, result in inadequate analysis. Such new deadline must provide only so much additional time as is necessary to complete such environmental assessment. The announcement of the new deadline will specify the reason why the environmental assessment was not able to be completed under the statutory deadline.

3. Certification Related to Deadline. When the environmental assessment is published, a responsible official will certify (and the certification will be incorporated into the environmental assessment) that the resulting environmental assessment represents the Postal Service's good-faith effort to fulfill NEPA's requirements within the Congressional timeline; that such effort is substantially complete; that, in the Postal Service's expert opinion, it has thoroughly considered the factors mandated by NEPA; and that, in the Postal Service's judgment,

the analysis contained therein is adequate to inform and reasonably explain the Postal Service's final decision regarding the proposed Federal action.

7.0 Findings of No Significant Impact

7.1 Preparation

The Postal Service will prepare a finding of no significant impact if it determines, based on an environmental assessment, not to prepare an environmental impact statement because the proposed action or project at hand will not have significant effects. The finding of no significant impact will:

1. Reference the environmental assessment. The environmental assessment may be included in the finding if it is short, in which case the discussion in the assessment need not be repeated in the finding;
2. Document the reasons why the Postal Service has determined that the proposed action or project at hand will not have a significant effect on the quality of the human environment;
3. State the authority for any mitigation that the Postal Service has adopted and any applicable monitoring or enforcement provisions. If the Postal Service finds no significant effects based on mitigation, the mitigated finding of no significant impact will state any mitigation requirements enforceable by the agency or voluntary mitigation commitments that will be undertaken to avoid significant effects;
4. Identify any other NEPA documents related to the finding of no significant impact; and
5. State that an environmental impact statement will not be prepared for the proposed action or project at hand, concluding the NEPA process for that action.

7.2 Publication of Environmental Assessments and Findings of No Significant Impacts

The Postal Service will make each environmental assessment and finding of no significant impact available to the public by posting on its website. During the process of preparing the environmental assessment, the Postal Service may publish draft, predecisional materials as in its judgment may assist in fulfilling its responsibilities under NEPA, the Postal Service's regulations in 39 CFR part 775, and this guidance. However, proprietary or confidential financial or trade information will be redacted and/or removed from publicly available environmental assessments or findings of no significant impacts.

8.0 Lead and Cooperating Agencies

8.1 Designation of Cooperating Agency

The Postal Service may, in its discretion, designate any Federal, State, Tribal, or local agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal to serve as a cooperating agency.

8.2 Designation of Lead Agency

A proposed activity or decision may entail activities or decisions undertaken by other federal agencies. These activities and decisions are "related actions," in that they

are each the responsibility of a particular agency but they are all interdependent parts of a larger action and depend on the larger action for their justification. In such instances, Congress has provided that the multiple agencies involved shall determine which of them will be the lead agency pursuant to the criteria identified in NEPA § 107(a)(1)(A), 42 U.S.C. 4336a(a)(1)(A).

8.3 Postal Service Serving as Lead Agency

When serving as the lead agency, the Postal Service is ultimately responsible for completing the NEPA process; when serving as the lead agency, the Postal Service will also determine and document the scope of the project at hand. When a joint lead relationship is established pursuant to NEPA § 107(a)(1)(B), 42 U.S.C. 4336a(a)(1)(B), the Postal Service and the other joint lead agency or agencies are collectively responsible for completing the NEPA process.

8.4 Cooperation With Lead Agency

When another agency is the lead agency, the Postal Service will cooperate in the NEPA process.

9.0 Notices of Intent and Scoping

9.1 Notice of Intent

As soon as practicable after determining that a proposal is sufficiently developed to allow for meaningful public comment and requires an environmental impact statement, the Postal Service will publish a notice of intent to prepare an environmental impact statement. If the Postal Service determines that it will prepare an environmental assessment for a proposed action, the Postal Service may publish notice of intent to publish an environmental assessment.

9.2 Request for Public Comment

The notice of intent for an environmental impact statement will include a request for public comment on alternatives or effects and on relevant information, studies, or analyses with respect to the proposed action. NEPA § 107(c); 42 U.S.C. 4336a(c).

9.3 Contents of Notice of Intent

In addition to a request for comment required for notices of intent for environmental impact statements, notice of intent for any NEPA document may include:

1. The purpose and need for the proposed action;
2. A preliminary description of the proposed action and alternatives the environmental impact statement will consider;
3. A brief summary of expected effects;
4. Anticipated permits and other authorizations (*i.e.*, anticipated related actions);
5. A schedule for the decision-making process;
6. A description of the public scoping process, including any scoping meeting(s);
7. Contact information for a person within the Postal Service who can answer questions about the proposed action and the environmental impact statement; and
8. Identification of any cooperating and participating agencies (*i.e.*, agencies responsible for related actions), and any

information that such agencies require in the notice to facilitate their decisions or authorizations.

9.4 Scoping

The Postal Service may use an early and open process to determine the scope of issues for analysis in an NEPA document, including identifying substantive issues that meaningfully inform the consideration of environmental effects and the resulting decision on how to proceed, and eliminating from further study non-substantive issues. Scoping may begin as soon as practicable after the proposal for action is sufficiently developed for consideration. Scoping may include appropriate pre-application procedures or work conducted prior to publication of the notice of intent.

10.0 Environmental Impact Statements

10.1 Preparation of Environmental Impact Statement

The Postal Service will prepare an environmental impact statement only with respect to proposed actions that otherwise require preparation of an NEPA document and that have a reasonably foreseeable significant effect on the quality of the human environment. Based on the Postal Service's experience, there are no actions that normally require an environmental impact statement. However, the Postal Service will prepare an EIS when necessary for actions that generally "significantly affect [] the quality of the human environment," consistent with section NEPA § 102(2)(C), 42 U.S.C. 4332(2)(C). Whether an impact rises to the level of "significant" is a matter of the Postal Service's expert judgment.

10.2 Comments

During the process of preparing an environmental impact statement, the Postal Service:

1. Will obtain the comments of:
 - a. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved or is authorized to develop and enforce environmental standards that govern the action or project at hand; and
 - b. Appropriate State, Tribal, and local agencies that are authorized to develop and enforce environmental standards.
2. May request the comments of:
 - a. State, Tribal, or local governments that may be affected by the proposed action;
 - b. Any agency that has requested it receive statements on actions of the kind proposed; and
 - c. The public, including by affirmatively soliciting comments in a manner designed to inform those persons or organizations who may be interested in or affected by the proposed action.
3. This process of obtaining and requesting comments pursuant to this Subsection may be undertaken at any time that is reasonable in the process of preparing the environmental impact statement. The Postal Service will ensure that the process of obtaining and requesting comments, and the Postal Service's analysis of and response to those comments, does not cause the Postal Service to violate the congressionally mandated

deadline for completion of an environmental impact statement.

4. Addressing comments contained in environmental impact statements. The Postal Service will address any substantive comments received consistent with this Subsection in the environmental impact statement.

10.3 Contents of Environmental Impact Statements

1. Purpose and need. The statement will include the purpose and need for the proposed action based on the Postal Service's statutory authority.

2. Analysis within the environmental impact statement. The environmental impact statement will include a detailed statement on:

- a. reasonably foreseeable environmental effects of the proposed action;
- b. any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented;
- c. a reasonable range of alternatives to the proposed action, including an analysis of any adverse environmental impacts of not implementing the proposed action in the case of a no action alternative, that are technically and economically feasible, and meet the purpose and need of the proposal;
- d. the relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity;
- e. any irreversible and irretrievable commitments of Federal resources which would be involved in the proposed action should it be implemented; and
- f. any means identified to mitigate adverse environmental effects of the proposed action. The Postal Service is mindful in this respect that NEPA itself does not require or authorize the Postal Service to impose any mitigation measures.

3. Proportionate Analysis. Environmental impact statements will discuss effects in proportion to their significance. With respect to issues that are not of a significant nature and do not meaningfully inform the consideration of environmental effects and the resulting decision on how to proceed, there will be no more than the briefest possible discussion to explain why those issues are not significant and therefore not worthy of any further analysis. Environmental impact statements will be analytic, concise, and no longer than necessary to comply with NEPA in light of the congressionally mandated page limits and deadlines.

10.4 Page Limits

1. Except as provided in paragraph (2), the text of an environmental impact statement will not exceed 150 pages, not including citations or appendices.

2. An environmental impact statement for a proposed action of extraordinary complexity will not exceed 300 pages, not including any citations or appendices. The Postal Service will determine at the earliest possible stage of preparation of an environmental impact statement whether the conditions for exceeding the page limit in paragraph (1) are present.

3. Appendices are to be used for voluminous materials, such as scientific tables, collections of data, statistical calculations, and the like, which substantiate the analysis provided in the environmental assessment or environmental impact statement. Appendices are not to be used to provide additional substantive analysis, because that would circumvent the congressionally mandated page limits.

4. Environmental impact statements shall be prepared on 8.5" x 11" paper with one-inch margins using a word processor with 12-point proportionally spaced font, single spaced. Footnotes may be in 10-point font. Such size restrictions do not apply to explanatory maps, diagrams, graphs, tables, and other means of graphically displaying quantitative or geospatial information, although pages containing such material do count towards the page limit. When an item of graphical material is larger than 8.5" x 11", each such item will count as one page.

5. Certification Related to Page Limits. The breadth and depth of analysis in an environmental impact statement will be tailored to ensure that the environmental impact statement does not exceed these page limits. In this regard, as part of the finalization of the environmental impact statement, a responsible official will certify that the Postal Service has considered the factors mandated by NEPA; that the environmental impact statement represents the Postal Service's good-faith effort to prioritize documentation of the most important considerations required by the statute within the congressionally mandated page limits; that this prioritization reflects the Postal Service's expert judgment; and that any considerations addressed briefly or left unaddressed were, in the Postal Service's judgment, comparatively not of a substantive nature that meaningfully informed the consideration of environmental effects and the resulting decision on how to proceed.

10.5 Deadlines

The Postal Service will complete the environmental impact statement not later than 2 years after either the date on which it determines that NEPA requires the preparation of an environmental impact statement with respect to such action or the date on which the Postal Service issues a notice of intent to prepare the environmental impact statement for such action, whichever is earliest. The end date for the environmental impact statement will be the date of publication of a notice of availability of the environmental impact statement.

1. The environmental impact statement will publish (unless the deadline is extended pursuant to the provision below), on the day the deadline elapses, in as substantially complete form as is possible.

2. Deadline extensions. If the Postal Service determines it is not able to meet the deadline, it may establish a new deadline for cause. Cause for establishing a new deadline is only established if the environmental impact statement is so incomplete, at the time at which the Postal Service determines it is not able to meet the statutory deadline, that issuance pursuant to subsection (4) above would, in the Postal Service's view,

result in an inadequate analysis. Such new deadlines must provide only so much additional time as is necessary to complete such environmental impact statement. The announcement of the new deadline will specify the reason why the environmental impact statement was not able to be completed under the statutory deadline.

3. Certification Related to Deadline. When the environmental impact statement is published, a responsible official will certify (and the certification will be incorporated into the environmental impact statement) that the resulting environmental impact statement represents the Postal Service's good-faith effort to fulfill NEPA's requirements within the Congressional timeline; that such effort is substantially complete; that, in the Postal Service's expert opinion, it has thoroughly considered the factors mandated by NEPA; and that, in the Postal Service's judgment, the analysis contained therein is adequate to inform and reasonably explain the Postal Service's final decision regarding the proposed Federal action.

10.6 Publication of the Environmental Impact Statement

The Postal Service will publish the entire environmental impact statement. During the process of preparing the environmental impact statement, the Postal Service may publish such draft, predecisional materials as in its judgment may assist in fulfilling its responsibilities under NEPA, the Postal Service's regulations in 39 CFR part 775, and this guidance. However, proprietary or confidential financial or trade information will be redacted and/or removed from publicly available environmental impact statements and draft, predecisional materials. The Postal Service will file each environmental impact statement together with comments and responses it solicited with the U.S. Environmental Protection Agency (EPA), Office of Federal Activities, following EPA's filing guidance (<https://www.epa.gov/nepa/environmental-impact-statement-filing-guidance>). EPA will include the environmental impact statement in its weekly notice of availability published in the **Federal Register**. The Postal Service will publish the entire environmental impact statement, including any appendices, and the Postal Service's decision by posting it on the Postal Service's website consistent with NEPA (42 U.S.C. 4332(c)).

10.7 Record of Decision

1. For actions requiring environmental impact statements, a concise public record of decision is prepared when a decision, or a proposal for legislation, is made. The record, which may be integrated into any other record, or notice, including that required by Postal Service regulations and procedures governing intergovernmental review of Postal Service facility project actions, must:

- a. State what the decision was.
- b. Identify all alternatives considered in reaching a decision; identify and discuss all important factors, including any essential considerations of national policy, which were weighed in making the decision and state how those considerations entered into the decision.

c. State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been or will be adopted, and if not, why not.

At the time of its decision on its proposed action, the Postal Service may timely publish a record of decision document or joint decision document notifying the public that the decisionmaker has certified that the Postal Service has considered all relevant information raised in the NEPA process and that the NEPA process has closed.

10.8 Actions Prohibited Prior to the Issuance of Record of Decision

Until a record of decision is issued, no action may be taken on a proposal on which an environmental impact statement is made if the action would:

1. Have an adverse environmental impact, or
2. Limit the choice of reasonable alternatives.

11.0 Efficient Environmental Reviews

11.1 Programmatic NEPA Documents and Tiering

1. The Postal Service may prepare NEPA documents for programmatic Federal actions, such as the adoption of new agency programs. The Postal Service may evaluate the proposal(s) in one of the following ways:

- a. Geographically, including actions occurring in the same general location, such as body of water, region, or metropolitan area.
- b. Generically, including actions that have relevant similarities, such as common timing, effects, alternatives, methods of implementation, media, or subject matter.
- c. By stage of technological development.

2. After completing a programmatic environmental assessment or environmental impact statement, the Postal Service may rely on that document for 5 years if there are not substantial new circumstances or information about the significance of adverse effects that bear on the analysis. After 5 years, as long as the Postal Service reevaluates the analysis in the programmatic NEPA document and any underlying assumption to ensure reliance on the analysis remains valid and briefly documents its reevaluation and explains why the analysis remains valid considering any new and substantial information or circumstances, the Postal Service may continue to rely on the document.

3. The Postal Service may rely on the analysis included in the programmatic NEPA document in a subsequent NEPA document for a related action(s) in accordance with 42 U.S.C. 4336b.

11.2 Reliance on Existing NEPA Documents

1. Generally. The Postal Service may rely on an environmental impact statement, environmental assessment, or portion thereof, provided that the statement, assessment, or portion thereof meets the standards for an adequate statement or assessment under these procedures. When relying on an environmental impact statement, environmental assessment, or portion thereof, the Postal Service will cite, briefly describe the content and relevance to

the NEPA document, and may make modifications that are necessary to render the relied-upon document, or portion thereof, fit for fulfilling NEPA's analytic requirements for the action at hand.

2. Substantial Similarity.

a. If the actions covered by the original environmental impact statement or environmental assessment and the proposed action are substantially the same, the Postal Service will republish the relied-upon statement or assessment.

b. If the actions are not substantially the same, the Postal Service may modify the statement or assessment as necessary to render the statement fit for fulfilling NEPA's analytic requirements for the action at hand, and publish the relied-upon statement or assessment, as modified. Where appropriate, the Postal Service may solicit comment to the extent that solicitation of comment will assist the Postal Service in expeditiously adapting the relied-upon statement or assessment so that it is fit for the Postal Service's purposes.

11.3 Incorporation

The Postal Service may incorporate material, such as planning studies, analyses, or other relevant information, into NEPA documents by reference when the effect will be to cut down on bulk without impeding the Postal Service and public review of the action. When incorporating material by reference, the Postal Service will cite, briefly describe the content and relevance to the NEPA document, and make the materials reasonably available for review by potentially interested parties. The Postal Service will not use incorporation as a means to evade the statutory page limits.

11.4 Supplements to NEPA Documents

The Postal Service will prepare supplements to NEPA documents only if a major Federal action remains to occur, and:

1. The Postal Service makes substantial changes to the proposed action that are relevant to environmental concerns; or
2. The Postal Service decides, in its discretion, that there are substantial new circumstances or information about the significance of the adverse effects that bearing on the proposed action or its effects.

11.5 Integrity and Completeness of Information

1. The Postal Service will not undertake new scientific and technical research to inform its analyses unless that is essential to a reasoned choice among alternatives and the overall costs and time frame of such undertaking are not unreasonable. Rather, the Postal Service will make use of reliable existing data and resources.

2. When the Postal Service is evaluating an action's reasonably foreseeable effects on the human environment, and there is incomplete or unavailable information that cannot be obtained at a reasonable cost or the means to obtain it are unknown, the Postal Service will make clear in the relevant NEPA document that such information is lacking.

11.6 Integrating NEPA With Other Environmental Requirements

1. To the fullest extent possible, the Postal Service will prepare environmental

documents concurrently with and integrated with analyses and related surveys and studies required by other Federal statutes.

2. The Postal Service will combine an environmental document prepared in compliance with NEPA with any other agency document to reduce duplication and paperwork. Thus, the Postal Service may combine an environmental document with related plans, rules, or amendments as a single consolidated document.

3. If comments on a notice of intent or other aspects of a scoping process identify consultations, permits, or licenses necessary under other environmental laws, the environmental document may contain a section briefly listing the applicable requirements and how the Postal Service has or will meet them (e.g., permits applied for or received, consultations initiated or concluded).

11.7 Elimination of Duplication With State, Tribal, and Local Procedures

1. The Postal Service may cooperate with State, Tribal, and local agencies that are responsible for preparing environmental documents.

2. To the fullest extent practicable unless specifically prohibited by law, the Postal Service will cooperate with State, Tribal, and local agencies to reduce duplication between NEPA and State, Tribal, and local requirements, including through use of studies, analysis, and decisions developed by State, Tribal, or local agencies. Such cooperation may include:

- a. Joint planning processes;
- b. Joint environmental research and studies;
- c. Joint public hearings (except where otherwise provided by statute); or
- d. Joint environmental documents.

11.8 Proposals for Regulations

Where the proposed action is the promulgation of a rule or regulation, procedures and documentation pursuant to other statutory or Executive Order requirements may satisfy one or more requirements in the Postal Service's regulations in 39 CFR part 775 and this guidance. When a procedure or document satisfies one or more requirements in the Postal Service's regulations and this guidance, the Postal Service may substitute it for the corresponding requirements in the Postal Service's regulations and this guidance and need not carry out duplicative procedures or documentation. Agencies will identify which corresponding requirements in the Postal Service's regulations and this guidance are satisfied and consult with CEQ to confirm such determinations.

11.9 Unique Identification Numbers

For all NEPA documents, the Postal Service will provide a unique identification number for tracking purposes, which the Postal Service will reference on all associated environmental review documents prepared for the proposed action and in any database or tracking system for such documents. The Postal Service will coordinate with the CEQ and other federal agencies to ensure uniformity of such identification numbers across federal agencies.

12.0 Definitions

As used in these implementing procedures, terms have the meanings provided in NEPA § 111, 42 U.S.C. 4336e, and 39 CFR part 775. In addition:

12.1 NEPA Document

NEPA document means a categorical exclusion, environmental assessment, finding of no significant impact, environmental impact statement, record of decision and published supporting documentation.

12.2 Mitigation

Mitigation means measures that avoid, minimize, or compensate for effects caused by a proposed action or alternatives as described in an NEPA document or record of decision and that have a nexus to those effects. While NEPA requires consideration of mitigation, it does not mandate the form or adoption of any mitigation. Mitigation includes:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing effects by limiting the degree or magnitude of the action and its implementation.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing or providing substitute resources or environments.

12.3 NEPA Process

NEPA process means all measures necessary for compliance with the requirements of section 2 and title I of NEPA § 102(2), 42 U.S.C. 4332(2).

12.4 Notice of Intent

Notice of intent means a public notice that an agency will prepare and consider an NEPA document.

12.5 Participating Agency

Participating agency means a Federal, State, Tribal, or local agency participating in an environmental review or authorization of an action.

12.6 Publish and Publication

Publish and publication mean methods found by the agency to efficiently and effectively make NEPA documents and information available for review by interested persons, including electronic publication.

12.7 Reasonable Alternatives

Reasonable alternatives means a reasonable range of alternatives that are technically and economically feasible, meet the purpose and need for the proposed action, and, where applicable, meet the goals of the applicant.

12.8 Responsible Official

Responsible official means the person, or designated representative, who proposes an action and is responsible for compliance with NEPA. For larger projects, that person may not have the financial authority to approve such action. The responsible official signs the

NEPA documents (FONSI, ROD) and the REC.

12.9 Scope

Scope consists of the range of actions, alternatives, and effects to be considered in an NEPA document. The scope of an individual statement may depend on its relationships to other statements.

12.10 Tiering

The coverage of general matters in broader environmental impact statements or environmental assessments (such as national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basin-wide program statements or ultimately site specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared."

13.0 Severability

The sections of these procedures are separate and severable from one another. If any section or portion therein is stayed or determined to be invalid, or the applicability of any section to any person or entity is held invalid, it is the Postal Service's intention that the validity of the remainder of those parts will not be affected, with the remaining sections to continue in effect.

[FR Doc. 2026-19720 Filed 9-24-26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2025-0244; FRL-13461-02-R4]

Air Plan Approval; Kentucky; Campbell-Clermont Area Maintenance Plan for the 2010 1-Hour SO₂ NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Kentucky, through the Kentucky Division for Air Quality (DAQ), on February 20, 2025. The SIP revision includes the second 10-year maintenance plan for the Kentucky portion of the Campbell-Clermont, Kentucky-Ohio maintenance area ("Campbell-Clermont, KY-OH Area" or "Area") for the 2010 1-hour sulfur dioxide (SO₂) National Ambient Air Quality Standards (NAAQS). The Kentucky portion of the Area is comprised of a part of Campbell County. The EPA is approving Kentucky's second 10-year maintenance plan for the Kentucky portion of the Area because

the Commonwealth has demonstrated that it is consistent with the Clean Air Act (CAA or Act).

DATES: This direct final rule is effective November 24, 2026 without further notice, unless EPA receives adverse comment by October 26, 2026. If adverse comments are received, the EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR-2025-0244 at [regulations.gov](https://www.regulations.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/submitting-comments>.

FOR FURTHER INFORMATION CONTACT: Nelsha Athauda, Multi Air Pollutant Coordination Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9360. Ms. Athauda can also be reached via electronic mail at athauda.nelsha@epa.gov.

SUPPLEMENTARY INFORMATION:

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