

memorandum

DATE: September 22, 2000

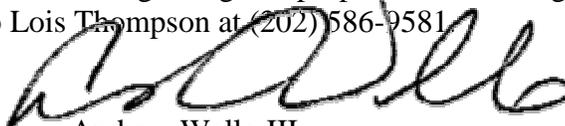
REPLY TO
ATTN OF: Office of Environmental Policy and Guidance: Thompson: 6-9581

SUBJECT: REQUEST FOR COMMENT: Advisory Council on Historic Preservation, 36 CFR Part 800-Notice of Proposed Suspension of Rule and Adoption of Guidelines

TO: Distribution

The purpose of this memorandum is to inform Department of Energy (DOE) programs of the intent of the Advisory Council on Historic Preservation to suspend 36 CFR Part 800, *Protection of Historic Properties* implementing Section 106 of the National Historic Preservation Act (NHPA). Section 106 of the NHPA requires Federal agencies to take into account the effect of their undertakings on properties included in or eligible for inclusion in the National Register of Historic Places and to afford the Council a reasonable opportunity to comment on such undertaking. The Council feels compelled to take these actions by the prospect of a potentially unfavorable ruling from the court that would severely disrupt the Section 106 process. The notice was published in the Federal Register on September 15, 2000. In the same notice, the Council is proposing to adopt the rule to be suspended as guidelines, effective immediately upon suspension of the rule. The Council believes this will provide an orderly transition and will avoid disruption of ongoing Section 106 reviews. A copy of the Federal Register Notice is attached.

Please submit any comments you may have on this proposed rulemaking to Lois Thompson of my staff by October 23, 2000 at lois.thompson@eh.doe.gov or by FAX at (202) 586-3915. Questions or concerns regarding this proposed rulemaking and this memorandum should be directed to Lois Thompson at (202) 586-9581.



Andrew Wallo III
Division Director
Air, Water and Radiation Division

Attachment