

§ 989.36

allow distribution of documents electronically. Public review comments should be required in writing, rather than by electronic mail.

(c) All documentation will be disposed of according to AFMAN 37-139, Records Disposition Schedule.¹²

[64 FR 38129, July 15, 1999; 66 FR 16869, Mar. 28, 2001]

§ 989.36 Waivers.

In order to deal with unusual circumstances and to allow growth in the EIAP process, SAF/IEE may grant waivers to those procedures contained in this part not required by NEPA or the CEQ Regulations. Such waivers shall not be used to limit compliance with NEPA or the CEQ Regulations but only to substitute other, more suitable procedures relative to the context of the particular action. Such waivers may also be granted on occasion to allow experimentation in procedures in order to allow growth in the EIAP. This authority may not be delegated.

[64 FR 38129, July 15, 1999, as amended at 66 FR 16869, Mar. 28, 2001; 72 FR 37107, July 9, 2007]

§ 989.37 Procedures for analysis abroad.

Procedures for analysis of environmental actions abroad are contained in 32 CFR Part 187. That directive provides comprehensive policies, definitions, and procedures for implementing E.O. 12114. For analysis of Air Force actions abroad, 32 CFR Part 187 will be followed.

§ 989.38 Requirements for analysis abroad.

(a) The EPF will generally perform the same functions for analysis of actions abroad that it performs in the United States. In addition to the requirements of 32 CFR Part 187, the following Air Force specific rules apply:

(b) For EAs dealing with global commons (geographic areas beyond the jurisdiction of the United States or any foreign nation), HQ USAF/A7CI will review actions that are above the MAJCOM approval authority. In this instance, approval authority refers to

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the same approval authority that would apply to an EA in the United States. The EPF documents a decision not to do an EIS.

(c) For EISs dealing with the global commons, the EPF provides sufficient copies to HQ USAF/A7CI for the HQ USAF ESOHC review and AFCEE/TDB technical review. After ESOHC review, the EPF makes a recommendation as to whether the proposed draft EIS will be released as a draft EIS.

(d) For environmental studies and environmental reviews, forward, when appropriate, environmental studies and reviews to HQ USAF/A7CI for coordination among appropriate federal agencies. HQ USAF/A7CI makes environmental studies and reviews available to the Department of State and other interested federal agencies, and, on request, to the United States public, in accordance with 32 CFR part 187. HQ USAF/A7CI also may inform interested foreign governments or furnish copies of studies, in accordance with 32 CFR part 187.

[64 FR 38129, July 15, 1999, as amended at 66 FR 16869, Mar. 28, 2001; 72 FR 37107, July 9, 2007]

APPENDIX A TO PART 989—GLOSSARY OF REFERENCES, ABBREVIATIONS, ACRONYMS, AND TERMS

References

Legislative

- 10 U.S.C. 2687, *Base Closures and Realignment*
- 42 U.S.C. 4321-4347, *National Environmental Policy Act of 1969*
- 42 U.S.C. 7506(c), *Clean Air Act Amendments of 1990*
- 42 U.S.C. 13101(b), *Pollution Prevention Act of 1990*
- 43 U.S.C. 155-158, *Engle Act*

Executive Orders

- Executive Order 11988, *Floodplain Management*, May 24, 1977
- Executive Order 11990, *Protection of Wetlands*, May 24, 1977
- Executive Order 12088, *Federal Compliance with Pollution Control Standards*.
- Executive Order 12114, *Environmental Effects Abroad of Major Federal Actions*, January 4, 1979
- Executive Order 12372, *Intergovernmental Review of Federal Programs*, July 14, 1982

¹² See footnote 1 to § 989.1.

Department of the Air Force, DoD

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Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, February 11, 1994

U.S. Government Agency Publications

Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR parts 1500-1508

Department of Defense Directive DoDD 4715.1E, *Environment, Safety, and Occupational Health*

Department of Defense Directive (DoDD) 6050.7, *Environmental Effects Abroad of Major Department of Defense Actions*, March 31, 1979 (32 CFR Part 187)

Department of Defense Instruction (DoDI) 4715.9, *Environmental Planning and Analysis*

Department of Defense Directive DoDD 5000.1, *The Defense Acquisition System*

Department of Defense Regulation 5000.2-R, *Mandatory Procedures for Major Defense Ac-*

quisition Programs and Major Automated Information System Acquisition Programs

Air Force Publications

AFPD 32-70, *Environmental Quality*

AFI 32-1021, *Planning and Programming of Facility Construction Projects*

AFI 32-7002, *Environmental Information Management System*

AFI 32-7005, *Environmental Protection Committees*

AFI 32-7040, *Air Quality Compliance*

AFI 32-7062, *Air Force Comprehensive Planning*

AFI 32-7063, *Air Installation Compatible Use Zone Program*

AFI 32-7064, *Integrated Natural Resources Management*

AFI 32-7080, *Pollution Prevention Program*

AFI 35-101, *Public Affairs Policies and Procedures*

AFMAN 37-139, *Records Disposition Schedule*

Abbreviations and Acronyms

| Abbreviation or Acronym | Definition |
|-------------------------|---|
| AFCEE | Air Force Center for Engineering and the Environment |
| AFCEE/TDB | AFCEE Technical Directorate, Built Infrastructure Division (AFCEE/TDB) |
| AFI | Air Force Instruction |
| AFLOA/JACE | Air Force Legal Services Agency/Environmental Law and Litigation Division |
| AFLOA/JAJT | Air Force Legal Services Agency/Trial Judiciary Division |
| AFMAN | Air Force Manual |
| AFMOA/SG | Air Force Medical Operations Agency/Aerospace Medicine Office |
| AFPD | Air Force Policy Directive |
| AFRES | Air Force Reserve |
| ANG | Air National Guard |
| ANGRC | Air National Guard Readiness Center |
| BMP | Best Management Practice |
| CATEX | Categorical Exclusion |
| CEQ | Council on Environmental Quality |
| CFR | Code of Federal Regulations |
| DoD | Department of Defense |
| DoDD | Department of Defense Directive |
| DoDI | Department of Defense Instruction |
| DOPAA | Description of Proposed Action and Alternatives |
| EA | Environmental Assessment |
| EIAP | Environmental Impact Analysis Process |
| EIS | Environmental Impact Statement |
| E.O. | Executive Order |
| EPA | Environmental Protection Agency |
| EPC | Environmental Protection Committee |
| EPF | Environmental Planning Function |
| ESOHC | Environmental Safety and Occupational Health Committee |
| FAA | Federal Aviation Administration |
| FEIS | Final Environmental Impact Statement |
| FOA | Field Operating Agency |
| FONPA | Finding of No Practicable Alternative |
| FONSI | Finding of No Significant Impact |
| GSA | General Services Administration |
| HQ AFMC | Headquarters, Air Force Materiel Command |
| HQ USAF | Headquarters, United States Air Force |
| HQ USAF/A7C | The Air Force Civil Engineer |
| MAJCOM | Major Command |
| MGM | Materiel Group Manager |
| MOA | Military Operating Area |
| MOU | Memorandum of Understanding |
| MSL | Mean Sea Level |
| NEPA | National Environmental Policy Act of 1969 |
| NGB-CF | National Guard Bureau Air Directorate |
| NGB-JA | National Guard Bureau Office of the Staff Judge Advocate |
| NGB-PA | National Guard Bureau Office of Public Affairs |
| NOA | Notice of Availability |
| NOI | Notice of Intent |

| Abbreviation or Acronym | Definition |
|-------------------------|--|
| OSD | Office of the Secretary of Defense |
| OSHA | Occupational Safety and Health Administration |
| PDEIS | Preliminary Draft Environmental Impact Statement |
| PGM | Product Group Manager |
| REO | Air Force Regional Environmental Office |
| ROD | Record of Decision |
| SAF/AQR | Deputy Assistant Secretary of the Air Force (Science, Technology, and Engineering) |
| SAF/GC | Air Force General Counsel |
| SAF/LL | Air Force Office of Legislative Liaison |
| SAF/IE | Assistant Secretary of the Air Force for Installations, Environment & Logistics |
| SAF/IEE | Deputy Assistant Secretary of the Air Force for Environment, Safety and Occupational Health (ESOH) |
| SAF/PA | Air Force Office of Public Affairs |
| SJA | Staff Judge Advocate |
| SM | Single Manager |
| SPD | Single Program Director |
| SPOC | Single Point of Contact |
| TDY | Temporary Duty |
| U.S.C. | United States Code |

Terms

NOTE: All definitions in the CEQ Regulations, 40 CFR part 1508, apply to this part. In addition, the following definitions apply:

Best Management Practices (BMPs)—Under the EIAP, BMPs should be applied in furtherance of 32 CFR 989.22, Mitigations or to fulfill permit requirements (see also E.O. 12088, “Federal Compliance with Pollution Control Standards).

Description of Proposed Action and Alternatives (DOPAA)—An Air Force document that is the framework for assessing the environmental impact of a proposal. It describes the purpose and need for the action, the alternatives to be considered, and the rationale used to arrive at the proposed action. The DOPAA often unfolds as writing progresses. The DOPAA can change during the internal scoping and public scoping process, especially as ideas and issues become clearer, and as new information makes changes necessary.

Environmental Impact Analysis Process (EIAP)—The Air Force program that implements the requirements of NEPA and requirements for analysis of environmental effects abroad under E.O. 12114.

Finding of No Practicable Alternative (FONPA)—Finding contained in a FONSI or ROD, according to Executive Orders 11988 and 11990, that explains why there are no practicable alternatives to an action affecting a wetland or floodplain, based on appropriate EIAP analysis or other documentation.

Interdisciplinary—An approach to environmental analysis involving more than one discipline or branch of learning.

Pollution Prevention—“Source reduction,” as defined under the Pollution Prevention Act, and other practices that reduce or eliminate pollutants through increased efficiency in the use of raw materials, energy,

water, or other resources, or in the protection of natural resources by conservation.

Proponent—Any office, unit, or activity that proposes to initiate an action.

Scoping—A process for proposing alternatives to be addressed and for identifying the significant issues related to a proposed action. Scoping includes affirmative efforts to communicate with other federal agencies, state, Tribal, and local governments, and the public.

Single Manager—Any one of the Air Force designated weapon system program managers, that include System Program Directors (SPDs), Product Group Managers (PGMs), and Materiel Group Managers (MGMs).

United States—All states, commonwealths, the District of Columbia, territories and possessions of the United States, and all waters and airspace subject to the territorial jurisdiction of the United States. The territories and possessions of the United States include American Samoa, Guam, Johnston Atoll, Kingman Reef, Midway Island, Navassa Island, Palmyra Island, the Virgin Islands, and Wake Island.

[64 FR 38129, July 15, 1999, as amended at 66 FR 16869, Mar. 28, 2001; 72 FR 37107, July 9, 2007]

APPENDIX B TO PART 989—CATEGORICAL EXCLUSIONS

A2.1. Proponent/EPF Responsibility

Although a proposed action may qualify for a categorical exclusion from the requirements for environmental impact analysis under NEPA, this exclusion does not relieve the EPF or the proponent of responsibility for complying with all other environmental requirements related to the proposal, including requirements for permits, and state regulatory agency review of plans.