decision-making for a proposal was the subject of an EA, a determination as to whether or not a scoping meeting or public hearing will be held would be made based upon criteria provided in § 989.14(j). The Air Force has identified specific procedures for holding public hearings on draft EISs (see Attachment 3).

5. Draft Environmental Impact Statement (DEIS)

Comments: Commenters indicated that wording be revised to make clear what is being stated regarding distribution of summary documentation when the DEIS is unusually long. Commenters suggested that wording, to address unusually long DEISs, should be circulated which would include a list of locations (such as public libraries) where the entire DEIS may be reviewed. If the agency receives a timely request for the entire statement and for additional time to comment, the time for that requester only shall be extended by at least 15 days beyond the minimum review period.

Commenters suggested that when responding to comments the agency should, in the comment section of the document, refer the reader to the appropriate modified text. This would allow the reviewer to quickly find the appropriate response.

Response: Section 989.19(d) has been edited to clarify procedures for handling summary documents and making lengthy DEISs available for public review at specific locations. Section 989.19(e) has been added to provide guidance as to when and how to seek additional comments from the interested public. Guidance in subsection (e) will be followed when there has been a significant change in circumstances, development of new information or where there is substantial controversy concerning a proposal.

Section 989.21(a) has been revised to reflect the correct procedural requirements for EPA filing of notices of availability. Section 989.28 has been revised to better discuss issues relative to air quality in NEPA documentation.

6. Final Environmental Impact Statement (FEIS)

Comments: Commenters suggested that the distribution process for the FEIS should be clarified to clearly indicate that FEISs must be furnished to any person, organization, or agencies that made comments on the DEIS. Commenters also indicated that a new section should be added which would give guidance as to when reevaluation

of a completed NEPA analysis should occur.

Response: Section 989.20(a) has been modified to reflect concerns related to distribution of the FEIS. Also, a new subsection § 989.20(c) has been added. This section describes when, due to the lack of advancement of a proposal, reevaluation of the NEPA documentation should be accomplished to ensure its validity.

7. Mitigation

Comments: Commenters indicated that the regulation should mandate the inclusion of the cost of mitigation as a line item in the budget for a proposed action versus the currently existing "where possible" language. Commenters also indicated that the Air Force may burden proponents of actions by requiring them to prepare mitigation plans as described in § 989.22(d).

Response: The Air Force uses mitigations to reduce or eliminate potential impacts. Commitment to the use of mitigations, as defined both in the text of a NEPA analysis and the FONSI or ROD, are considered by the Air Force to be legally required and will be fulfilled. Mitigations are placed into a computer tracking system at HQ Air Force, with periodic status updates/ validations being accomplished. Section 989.15(e)(2)(iv) has been added to require a 30-day review period for EA/ FONSIs where potential impacts will be mitigated to insignificance. Also § 989.22(d) has been modified to better reflect Air Force intent relative to execution of mitigations.

8. Classified Actions

Comments: Commenters indicated that classifying NEPA compliance documentation should not be allowed. Commenters perceived that the Air Force would classify programs that released chemical toxins or radioactive materials into the environment, without informing the public because of the classified nature of the program producing the pollutants. Commenters further indicated that the Air Force would classify a program just to hide its environmental impacts or to avert Congressional scrutiny.

Response: As stated earlier, it is the Air Force's intent to include the public in all of its NEPA compliance actions. Classifying of an action will not be accomplished to "hide" potential environmental controversy. However, environmental documentation will be classified to safeguard issues of national security. Although an action may be classified, the Air Force intends to comply with NEPA, for classified actions, as described in § 989.25, and

will make available, unclassified portions of environmental documents for public review.

9. Airspace

Comments: Commenters referred to an inter-agency agreement between the National Park Service (NPS), the Fish and Wildlife Service (FWS), the Bureau of Land Management (BLM), and the Federal Aviation Administration (FAA), where the FAA, recognizing the values for which the NPS, FWS, and BLM lands are managed, has established a 2,000' Above Ground Level (AGL) advisory as the requested minimum altitude for aircraft flying over lands administered by these agencies. These agencies seek voluntary cooperation with the 2,000' AGL minimum altitude advisory. Commenters expressed a concern regarding airspace reviews being considered in relation to potential impacts of over flights of the National Wildlife Refuge System. Commenters also indicated the Air Force should fully integrate land management agencies in development of NEPA documents.

Response: The Air Force has entered into a Memorandum of Understanding that outlines various airspace responsibilities, (see § 989.27, "Airspace proposals." Further, the Air Force has identified 3000' AGL as the base altitude to apply a CATEX (see Attachment 2 A.2.3.35). Any airspace proposal below 3000' AGL will trigger the requirement to prepare a more in-depth level of NEPA analysis. The Air Force includes all land management agencies in NEPA compliance. Where necessary, the Air Force invites these agencies to act as "Cooperating Agency" for that agency's decision making purposes. For NEPA compliance documents related to airspace issues, a full analysis will be accomplished with input from the public and responsible agencies. The Air Force has added § 989.15(e)(1)(v) to require a 30-day review period for EAs analyzing proposed changes in airspace use or designation.

10. Categorical Exclusion (CATEX)

Comments: Commenters indicated that the list of actual CATEXes should be placed under § 989.13 so all requirements are found under one heading. Commenters also indicated that some of the Air Force CATEXes are too broad in scope.

Response: Due to the length of the CATEX list, it will remain as a separate section (now, Attachment 2— Categorical Exclusions). Although the initial perception may be that a CATEX is too broad, the Air Force believes that proper procedural application of the EIAP will provide for adequate scoping