

of issues. The Air Force accomplishes this initial scoping via the Air Force Form 813, Request for Environmental Impact Analysis, as described in § 989.12. When this Form is applied as intended and filled out accurately, the determination of scope and whether or not a CATEX will apply, will be better determined.

The Department of the Air Force has determined that this rule is not a major rule because it will not have an annual effect on the economy of \$100 million or more. The Secretary of the Air Force has certified that this rule is exempt from the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, because this rule does not have a significant economic impact on small entities as defined by the Act, and does not impose any obligatory information requirements beyond internal Air Force use. This rule revises and replaces Air Force Regulation (AFR) 19-2, Environmental Impact Analysis Process (EIAP), 10 August 1982, and AFR 19-3, Environmental Impact Analysis Process Overseas, 23 September 1981.

#### List of Subjects in 32 CFR Part 989

Environmental protection,  
Environmental impact statements.

Therefore 32 CFR Part 989 is revised to read as follows:

### PART 989—ENVIRONMENTAL IMPACT ANALYSIS PROCESS (EIAP)

- Sec.
- 989.1 Purpose.
  - 989.2 Concept.
  - 989.3 Responsibilities.
  - 989.4 Initial considerations.
  - 989.5 Organizational relationships.
  - 989.6 Budgeting and funding.
  - 989.7 Requests from non-Air Force agencies or entities.
  - 989.8 Analysis of alternatives.
  - 989.9 Cooperation and adoption.
  - 989.10 Tiering.
  - 989.11 Combining EIAP with other documentation.
  - 989.12 Air Force Form 813, Request for Environmental Impact Analysis.
  - 989.13 Categorical exclusion.
  - 989.14 Environmental assessment.
  - 989.15 Finding of no significant impact.
  - 989.16 Environmental impact statement.
  - 989.17 Notice of intent.
  - 989.18 Scoping.
  - 989.19 Draft EIS.
  - 989.20 Final EIS.
  - 989.21 Record of decision.
  - 989.22 Mitigation.
  - 989.23 Public notification.
  - 989.24 Base closure and realignment.
  - 989.25 Classified actions (40 CFR 1507.3(e)).
  - 989.26 Occupational safety and health.
  - 989.27 Airspace proposals.
  - 989.28 Air quality.
  - 989.29 Pollution prevention.

- 989.30 Special and emergency procedures.
- 989.31 Reporting requirements.
- 989.32 Procedures for analysis abroad.
- 989.33 Requirements for analysis abroad.

#### Attachment 1 to Part 989—Glossary of References, Abbreviations, Acronyms, and Terms.

#### Attachment 2 to Part 989—Categorical Exclusions.

#### Attachment 3 to Part 989—Procedures for Holding Public Hearings on Draft Environmental Impact Statements (EIS)

Authority: 10 U.S.C. 8013.

#### § 989.1 Purpose.

(a) This part implements the Air Force Environmental Impact Analysis Process and provides procedures for environmental impact analysis both within the United States and abroad. Because the authority for, and rules governing, each aspect of the Environmental Impact Analysis Process differ depending on whether the action takes place in the United States or outside the United States, this part provides largely separate procedures for each type of action. Consequently, the main body of this part deals primarily with environmental impact analysis under the authority of the National Environmental Policy Act of 1969 (NEPA) (Public Law 91-190, 42 U.S.C. 4321-4347), while the primary procedures for environmental impact analysis of actions outside the United States in accordance with Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, are contained in §§ 989.32 and 989.33.

(b) The procedures in this part are essential to achieve and maintain compliance with NEPA and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the NEPA (40 CFR Parts 1500-1508, referred to as the "CEQ Regulations"). Further requirements are contained in 32 CFR Part 188 (Department of Defense Directive (DoDD) 6050.1, Environmental Effects in the United States of DoD Actions, July 30, 1979), and DoD Instruction 5000.2, Defense Acquisition Management Policies and Procedures, February 23, 1991, with Change 1<sup>1</sup> and Air Force Supplement 1, Acquisition Management Policies, 31 August 1993, with Change 1. To comply with NEPA and complete the EIAP, the CEQ Regulations and this part must be used together.

(c) Air Force activities abroad will comply with this part, Executive Order 12114, and 32 CFR Part 187 (DoDD

<sup>1</sup> Copies of the publications are available, at cost, from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

6050.7, Environmental Effects Abroad of Major Department of Defense Actions, March 31, 1979). To comply with Executive Order 12114 and complete the EIAP, the Executive Order, 32 CFR Part 187, and this part must be used together.

(d) Attachment 1 of this part is a glossary of references, abbreviations, acronyms, and terms. Refer to 40 CFR Part 1508 for other terminology used in this part.

#### § 989.2 Concept.

(a) This part provides a framework on how to comply with NEPA and Executive Order 12114 according to Air Force Policy Directive (AFPD) 32-70<sup>2</sup>.

(b) Major commands (MAJCOM) provide additional implementing guidance in their supplemental publications to this part. MAJCOM supplements must identify the specific offices that have implementation responsibility and include any guidance needed to comply with this part. All references to MAJCOMs in this part include the Air National Guard Readiness Center (ANGRC) and other agencies designated as "MAJCOM equivalent" by HQ USAF.

#### § 989.3 Responsibilities.

(a) *Office of the Secretary of the Air Force.* (1) The Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment (SAF/MI):

(i) Promulgates and oversees policy to ensure integration of environmental considerations.

(ii) Determines the level of environmental analysis required for especially important, visible, or controversial Air Force proposals and approves selected Environmental Assessments (EA) and Findings of No Significant Impact (FONSI).

(iii) Is the liaison on environmental matters with Federal agencies and national-level public interest organizations.

(iv) Is the approval authority for all Environmental Impact Statements (EIS) prepared for Air Force actions, whether classified or unclassified.

(2) The General Counsel (SAF/GC). Provides final legal advice to SAF/MI, HQ USAF, and HQ USAF Environmental Protection Committee (EPC) on EIAP questions.

(3) Office of Legislative Liaison (SAF/LL):

(i) Distributes draft and final EISs to congressional delegations.

(ii) Reviews and provides the Office of the Secretary of Defense (OSD) with

<sup>2</sup> See footnote 1 to § 989.1.