§ 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.

12 See footnote 1 to § 989.1.

§ 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/ATCI will review actions that are above the MAJCOM approval authority. In this instance, approval authority refers to 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/ATCI 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/ATCI for coordination among appropriate federal agencies. HQ USAF/ATCI 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/ATCI also may inform interested foreign governments or furnish copies of studies, in accordance with 32 CFR part 187.

12 See footnote 1 to § 989.1.

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

References

Legislative

10 U.S.C. 2687, Base Closures and Realignments
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
Abbreviation or Acronym | Definition
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AFCEE ..................... | Air Force Center for Engineer
                     ing and the Environment
AFCEE/TDB ............... | AFCEE Technical Directorate,
                     Built Infrastructure Division
                     (AFCEE/TDB)
AFC  ...................... | Air Force Instruction
AFLOA/JACE ............. | Air Force Legal Services
                     Agency/Environmental Law
                     and Litigation Division
AFLOA/IAJT .............. | 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
AFRS  ..................... | Air Force Reserve
ANG  ...................... | Air National Guard
ANKEDC ................... | 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
DoDI ...................... | Department of Defense
                     Instruction
DOPAA ..................... | Description of Proposed
                     Action and Alternatives
EA  ....................... | Environmental Assessment
EIA  ...................... | Environmental Impact
                     Analysis Process
EIS  ....................... | Environmental Impact
                     Statement
E.O.  ..................... | Executive Order
EPA  ....................... | Environmental Protection
                     Agency
EPC  ....................... | Environmental Protection
                     Committee
EPP  ....................... | Environmental Planning
                     Function
ESOH  ..................... | Environmental Safety and
                     Occupational Health
                     Committee
FAA  ....................... | Federal Aviation Administra
                     tion
FEIS  ..................... | Final Environmental Impact
                     Statement
FOA  ....................... | Field Operating Agency
FONPA ..................... | Finding of No Practicable
                     Alternative
FONSI ..................... | Finding of No Significant
                     Impact
GSA  ....................... | General Services Administra
                     tion
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 Understan
                     ding
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
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OSD | Office of the Secretary of Defense
OSHA | Occupational Safety and Health Administration
PDEIS | Preliminary Draft Environmental Impact Statement
PGM | Product Group Manager
REQ | Air Force Regional Environmental Office
ROD | Record of Decision
SAP/QR | Deputy Assistant Secretary of the Air Force (Science, Technology, and Engineering)
SAP/GC | Air Force General Counsel
SAP/LL | Air Force Office of Legislative Liaison
SAP/EI | Assistant Secretary of the Air Force for Installations, Environment & Logistics
SAP/EIE | Deputy Assistant Secretary of the Air Force for Environment, Safety and Occupational Health
SAP/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

**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.


**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.