

result in detailed designs for stream restoration, stormwater management, and stormwater retrofit projects. These projects are expected to restore stream habitat, provide wetland habitat, and improve water quality. A DEIS will be integrated into the feasibility study to document existing conditions, project actions, and project effects and products. Montgomery County and the Maryland National Capital Park and Planning Commission are the non-Federal sponsors for the project.

**FOR FURTHER INFORMATION CONTACT:**

Questions about the proposed action and DEIS can be addressed to Ms. April Perry, Study Manager, Baltimore District, U.S. Army Corps of Engineers, ATTN: CENAB-PL-P, P.O. Box 1715, Baltimore Maryland 21203-1715, telephone (410) 962-0684. E-mail address: april.s.perry@ccmail.nab.usace.army.mil

**SUPPLEMENTARY INFORMATION:**

1. The U.S. House of Representatives, Committee on Public Works and Transportation, authorized the Anacostia River and Tributaries Reconnaissance Study in a resolution dated September 8, 1988. It was further authorized in the June 25, 1990 Statement of New Environmental Approaches by the Assistant Secretary of the Army (Civil Works), which gave fish and wildlife restoration the status of a priority project output.

2. The Anacostia River and Tributaries Phase 1 Feasibility Study produced by the Corps in 1994 determined that previous Corps activity in the Anacostia Watershed has had a detrimental impact to the ecosystem of the Anacostia. The study recommended that additional feasibility studies focusing on environmental restoration be pursued. Following the completion of the 1994 Phase 1 feasibility report, the Baltimore District Corps of Engineers and Montgomery County Department of Environmental Protection identified the potential for additional environmental restoration opportunities within the Anacostia watershed.

3. In September of this year, the Corps and Montgomery County executed a feasibility cost-sharing agreement for a Phase 2 Feasibility study. The area proposed for environmental restoration is known as the Northwest Branch of the Anacostia River and is located in the western portion of Montgomery County. The watershed has several environmental problems including channel instability, erosion, and sedimentation that adversely impact the existing habitat and threaten planned restoration measures. The Phase 2 study will identify areas with such problems

and recommend projects for specific sites that will be selected. It is anticipated that the study will result in a combination of stream restoration and stormwater management projects.

4. The planning goals of the Phase 2 study are to restore aquatic and riparian habitat, improve water quality, and contribute to the restoration of the Anacostia River ecosystem by stabilizing stream channels that make significant contributions to stream channel erosion and sedimentation and by reducing stormwater runoff rates, velocities, and pollutant loads. To achieve this goal, the Corps will further define the problems and opportunities in the Northwest Branch watershed; analyze and forecast environmental resource conditions; formulate, evaluate, and compare alternative plans for multiple sites; develop detailed designs and costs at selected sites; and recommend a cost-effective plan for the Montgomery County portion of the Northwest Branch watershed.

5. The decision to implement these actions will be based on an evaluation of the probable impact of the proposed activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable costs. The Baltimore District is preparing a DEIS which will describe the impacts of the proposed projects on environmental and cultural resources in the study area and the overall public interest. The DEIS will be in accordance with NEPA and will document all factors which may be relevant to the proposal, including the cumulative effects thereof. Among these factors are habitat restoration, channel and erosion control, improvements to water quality, and stormwater management. If applicable, the DEIS will also apply guidelines issued by the Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act of 1977 (Pub. L. 95-217).

6. The public involvement program will include workshops, meetings, and other coordination with interested private individuals and organizations, as well as with concerned Federal, state and local agencies. Coordination letters and newsletters have been sent to appropriate agencies, organizations, and individuals on an extensive mailing list. Additional public information will be provided through print media, mailings, radio and television announcements.

7. In addition to the Corps, Montgomery County, the Maryland National Capital Park and Planning

Commission, other participants that will be involved in the study and DEIS process include the following: U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; U.S. Forest Service; U.S. Geological Survey; Natural Resource Conservation Service; and the U.S. National Park Service. The Baltimore District invites potentially affected Federal, state, and local agencies, and other organizations and entities to participate in this study.

8. The Anacostia Phase 2 Feasibility Study and integrated DEIS are tentatively scheduled for public review in March 1999.

Harold L. Nelson,

*Acting Chief, Planning Division.*

[FR Doc. 97-2135 Filed 1-28-97; 8:45 am]

BILLING CODE 3710-41-M

**Department of the Navy**

**Notice of Availability of Invention for Licensing; Government Owned Invention**

**SUMMARY:** The invention listed below is assigned to the United States Government as represented by the Secretary of the Navy and is available for licensing by the Department of the Navy.

Copies of the patent cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for \$3.00 each. Requests for copies of the patent should include the patent number.

**FOR FURTHER INFORMATION CONTACT:** Mr. R.J. Erickson, Staff Patent Attorney, Office of Naval Research, ONR 00CC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217-5660, telephone (703) 696-4001.

U.S. Patent No. 5,552.93: AUDIO INFORMATION APPARATUS FOR PROVIDING POSITION INFORMATION, patented September 3, 1996.

Dated: January 14, 1997.

D.E. Koenig, Jr.

*LCDR, JAGC, USN, Federal Register Liaison Officer.*

[FR Doc. 97-2123 Filed 1-28-97; 8:45 am]

BILLING CODE 3810-FF-P

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**Resolution of Potential Conflict of Interest**

The Defense Nuclear Facilities Safety Board (Board) has identified and resolved potential conflicts of interest situations related to its proposed

contractor, Mr. Lary M. McGrew. This Notice, which is a summary of the facts related to this decision, satisfies the requirements of 10 CFR 1706.8(e) with respect to publication in the Federal Register. Under the Board's Organizational and Consultant Conflicts of Interests Regulation, 10 CFR part 1706 (OCI Regulations), an organizational or consultant conflict of interest (OCI) means that because of other past, present or future planned activities or relationships, a contractor or consultant is unable, or potentially unable, to render impartial assistance or advice to the Board, or the objectivity of such offeror or contractor in performing work for the Board is or might be otherwise impaired, or such offeror or contractor has or would have an unfair competitive advantage. While the OCI Regulations provide that contracts shall generally not be awarded to an organization where the Board has determined that an actual or potential OCI exists and cannot be avoided, the Board may waive this requirement in certain circumstances.

The Board's mission is to provide advice and recommendations to the Department of Energy (DOE) regarding public health and safety matters related to DOE's defense nuclear facilities. This includes the review and evaluation of the content and implementation of health and safety standards including DOE orders, rules, and other safety requirements, relating to the design, construction, operation, and decommissioning of DOE defense nuclear facilities. In late 1991, Congress amended the Board's enabling Act, broadening the Board's jurisdiction over defense nuclear facilities to include the assembly, disassembly, and testing of nuclear weapons. With this increase in responsibility, the Board revised its priorities to include reviews of additional facilities, including, principally, the Pantex Plant (Pantex), Nevada Test Site (NTS), and additional facilities at Oak Ridge Y-12 Plant. Further, the Board recognized the need to direct its attention to the activities of the weapons' design laboratories such as Los Alamos National Laboratory (LANL), Lawrence Livermore National Laboratory (LLNL), and Sandia National Laboratory (Sandia) as they are actively involved in developing procedures and processes for the weapons assembly and disassembly operations at DOE facilities.

Two matters of primary concern to the Board were, and continue to be, the safety of weapons disassembly operations and maintenance of the capability to safely conduct nuclear testing operations. While the DOE had

been engaged in these activities for decades, significant and abrupt changes in the national security posture required dramatic shifts in emphasis within DOE. Unprecedented numbers of simultaneous nuclear weapons retirements required DOE to immediately develop and implement safe and well-engineered dismantlement procedures. Further, a nuclear testing moratorium, which is still in effect, removed the primary mechanism (i.e., an active, ongoing testing program) by which the capability to execute tests safely was exercised and ensured.

Additionally, the weapons programs at the DOE Laboratories have lost, and continue to lose, skilled and experienced personnel due to retirement, downsizing, and reassignments. Consequently, the Board implemented a number of initiatives to meet its oversight responsibilities including the identification and selection of staff and outside experts with experience in conventional and nuclear explosive technology and safety, nuclear materials handling and storage, criticality safety, and nuclear weapons assembly, storage and testing.

Since 1992, the Board has been actively involved in these activities, especially at Pantex. It remains convinced that effective oversight of weapons disassembly operations and related efforts, requires a comprehensive understanding of weapons design and technical features. However, while the Board has acquired staff with basic knowledge in these areas, and technical support from various outside experts with direct experience with LLNL designed weapons, it requires an individual with knowledge and experience of the weapons designed and developed at LLNL. Based on a search for potential candidates, the Board has identified Mr. Lary McGrew as an individual with this unique experience. Mr. McGrew retired from LLNL in 1996 after 37 years of continuous service in nuclear weapons development programs in the Weapons Engineering Division. Additionally, during his final two years at LLNL, he developed and participated in numerous weapons dismantlement procedures and processes for these activities at Pantex. Further, Mr. McGrew has provided extensive technical briefings to LLNL staff on the older weapons systems as they are being retired. Consequently, based on this experience, Mr. McGrew will be useful to the Board due to his direct knowledge of the design features of the LLNL weapons and those features generic to all weapons which must be considered during disassembly, reassembly, surveillance testing and dismantlement.

His knowledge of weapons testing and the data from those test will be useful in the ongoing surveillance program and in the planning and conduct of non-nuclear testing at NTS. Most importantly, Mr. McGrew can provide invaluable assistance to the Board to help ensure that Laboratory design criteria are properly incorporated into every aspect of ongoing operations and facility readiness at both Pantex and Nevada Device Assembly Facility. Therefore, the Board believes that this comprehensive and unique knowledge of the LLNL weapons will significantly enhance its technical capabilities with respect to health and safety oversight matters associated with weapons dismantlement and testing issues.

During a routine preaward review, Mr. McGrew informed the Board of a potential conflict of interest situation arising from his current and past association with DOE and its weapons program. As a condition of his retirement, he has agreed to hold no paid position or assignment at LLNL for a period of one year from August 16, 1996. However, Mr. McGrew has a continuing relationship as a non-paid consultant and has been provided a "Q" Clearance site access badge as a "Participating Guest." He is currently assisting the Weapons Division with archival work to retain historical information on the warhead systems he helped develop during his career at LLNL. The goal of this project is to develop an index of the numerous classified and unclassified documents for each weapons system. He is also providing assistance to the Laboratory Archive in the cataloging of historical documents involving the engineering portions of the nuclear weapons developments at LLNL. The support he provides is limited to these areas and will not include any work involving the stockpiling, surveillance or dismantlement of warheads. Further, he will not be involved with any work at DOE facilities or related activities such as document preparation, review, or conduct of any of the work associated with the weapons programs. The other concern relates to this most recent work prior to retirement. During the past two years at LLNL, he was directly involved in the development of weapons dismantlement procedures and related activities at Pantex.

Consequently, the Board had concerns regarding actual or potential conflicts of interest based primarily on two issues. First, would Mr. McGrew's continuing relationship with LLNL affect his ability to provide impartial assistance or advice to the Board. Second, would Mr. McGrew be placed in a situation as a

consultant to the Board where he would be reviewing his own work on the process of weapons dismantlement which occurred within the last few years prior to his retirement.

The Board reviewed this situation and concluded that, even if the circumstances could give rise to a potential conflict of interest situation, it is nonetheless in the best interests of the Government to have Mr. McGrew provide this support for the reasons described below. Mr. McGrew's comprehensive knowledge of weapons assembly and disassembly procedures of nuclear weapons gained through 37 years of direct experience, is invaluable to the Board in its health and safety reviews of weapons disassembly and related activities and thus is vital to the Board's oversight program. Although past reviews have been conducted by various Board staff, Mr. McGrew's technical expertise will enhance the Board's ability to perform these reviews more effectively. Furthermore, the Board recognized that it is unlikely that the work to be performed by Mr. McGrew could be satisfactorily performed by anyone whose experience and affiliations would not give rise to a conflict of interest question. That is because the individuals who have the requisite expertise in this area could only have obtained such expertise through previous or current employment or consulting relationship with one or more of the weapons design laboratories. The pertinent experience of other qualified individuals would therefore likely raise similar conflicts questions.

Finally, as the Board is required under its OCI Regulations, where reasonably possible, to initiate measures which attempt to mitigate an OCI, Mr. McGrew and the Board have agreed to the following restrictions during contract performance. The Board will not have Mr. McGrew review the adequacy or effectiveness of the dismantlement procedures he developed or critique any other activity he was directly involved with. Rather, the Board will use his expertise to understand the unique aspects of the LLNL weapons' development process and how well Pantex is following these procedures during dismantlement. Also, technical staff will oversee the work of Mr. McGrew to ensure that all of his resultant work products are impartial and contain full support for any findings and conclusions issued thereunder. Further, in accordance with the Board's OCI Regulations, Mr. McGrew is required to promptly inform the Board of any new consulting or other contractual arrangements which

could give rise to an OCI. This includes new work, or his acceptance of a paid position with LLNL.

Accordingly, on the basis of the determination described above and pursuant to the applicable provisions of 10 CFR part 1706, the Chairman of the Board granted a Waiver of any conflicts of interests (and the pertinent provisions of the OCI Regulations) with the effort to be performed by Mr. McGrew under contract to the Board that might arise out of his current and past association with LLNL.

Dated: January 23, 1997.  
Kenneth M. Pusateri,  
*General Manager.*  
[FR Doc. 97-2205 Filed 1-29-97; 8:45 am]  
BILLING CODE 3670-01-M

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.  
**ACTION:** Submission for OMB review; comment request.

**SUMMARY:** The Director, Information Resources Management Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before February 28, 1997.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Wendy Taylor, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202-4651.

**FOR FURTHER INFORMATION CONTACT:** Patrick J. Sherrill (202) 708-8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information

collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: January 22, 1997.  
Gloria Parker,  
*Director, Information Resources Management Group.*

Office of Educational Research and Improvement

*Type of Review:* New.  
*Title:* Eisenhower National Clearinghouse for Mathematics and Science Education.

*Frequency:* One Time.  
*Affected Public:* Individuals or households; Not-for-profit institutions.  
*Reporting Burden and Recordkeeping:*  
Responses: 1,600  
Burden Hours: 520

*Abstract:* This submission contains four versions of an instrument to be used in data collection for the summative evaluation of the Eisenhower National Clearinghouse (ENC) dissemination model. Subjects for two of the surveys will be selected through stratified random sampling of U.S. schools to obtain representative samples of principals and teachers, the largest target audience for ENC information and resources. The other two surveys will target known users of ENC services, these individuals being sub-classified as single- and multiple-instance users. The instruments will be distributed by mail in a single data collection effort. All responses are voluntary. Information yielded will form one part of the National Evaluation, and will be included in the Evaluation Report to the U.S. Department of Education.