

Preferred Alternative and also the Environmentally Preferred Alternative.

10. Where to Obtain Further Information

For further information, contact Major Pat D. Pinkston at (714) 726-4047.

Dated: January 27, 1997.

Duncan Holaday,

Deputy Assistant Secretary, Installations and Facilities.

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Department of the Navy, DoD

Record of Decision for the Disposal and Reuse of Naval Civil Engineering Laboratory, Port Hueneme, California

SUMMARY: The Department of the Navy (Navy), pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, and the regulations of the Council on Environmental Quality that implement NEPA procedures, 40 CFR Parts 1500-1508, hereby announces its decision to dispose of Naval Civil Engineering Laboratory, Port Hueneme, California (NCEL).

Navy intends to dispose of the property in a manner that is consistent with the NCEL Community Reuse Plan (Reuse Plan) submitted by the Port Hueneme Surplus Property Authority (SPA), the Local Redevelopment Authority (LRA) for NCEL. The City of Port Hueneme established SPA to plan future uses of the closing facilities. The Reuse Plan is general in nature and proposes maritime and related uses rather than particular reuse projects.

In its Final Environmental Impact Statement (FEIS), Navy evaluated a "No action" alternative and three "action" alternatives: port and coastal activities ("Port/Coastal"), described in the FEIS as the preferred alternative; port and related industrial activities ("Port/Industrial"); and port, aquaculture, retail and commercial activities ("Mixed Use"). In a Resolution dated August 7, 1996, SPA determined that the Port/Industrial alternative's emphasis on port activities would be consistent with the Reuse Plan and endorsed the land uses proposed in that alternative.

In deciding to dispose of NCEL Port Hueneme, Navy has determined that both the Port/Coastal alternative and the Port/Industrial alternative will meet the goals of achieving local economic redevelopment of the closing facility and creating new jobs, while limiting adverse environmental impacts and ensuring land uses that are compatible with adjacent property. This Record Of

Decision leaves selection of the particular means to achieve the proposed redevelopment to the acquiring entity and the local zoning authority.

Background

The 1993 Defense Base Closure and Realignment Commission recommended closure of NCEL Port Hueneme. This recommendation was approved by President Clinton and accepted by the One Hundred Third Congress in 1993. NCEL Port Hueneme closed in April 1996, and the property has been in caretaker status since that date.

The NCEL property occupies 33.1 acres along the Pacific Ocean in the City of Port Hueneme, which is located in Ventura County, California. NCEL lies adjacent to the Oxnard Harbor District's Port of Hueneme, about 60 miles northwest of Los Angeles and 40 miles southeast of Santa Barbara, California. The property contains 53 structures that were used for Naval research and development.

Navy published a Notice of Intent in the Federal Register on March 8, 1995, announcing that Navy would prepare an Environmental Impact Statement that would analyze the impacts of disposal and reuse of the land, buildings, and infrastructure at NCEL Port Hueneme. A 30-day public scoping period was established, and Navy held a public scoping meeting on March 23, 1995, at the Port Hueneme City Hall.

On February 13, 1996, Navy distributed a Draft Environmental Impact Statement (DEIS) to Federal, State, and local agencies, elected officials, special interest groups, and interested persons. Navy held a public hearing in the Port Hueneme City Council chambers on March 12, 1996, to discuss the DEIS. During the forty-five day review period after publication of the DEIS, Federal, State, and local agencies submitted written comments concerning the DEIS. These comments and Navy's responses were incorporated in the Final Environmental Impact Statement (FEIS), which was distributed to the public on July 19, 1996, for a 30-day review period that concluded on August 18, 1996. Navy received three letters commenting on and supportive of the FEIS.

Alternatives

NEPA requires Navy to evaluate a reasonable range of alternatives for the disposal and reuse of this Federal property. In the NEPA process, Navy analyzed the environmental impacts of various proposed land uses that could result from disposal of the NCEL property. Navy also evaluated a "No

action" alternative that would leave the property in a caretaker status with Navy maintaining the physical condition of the property, providing a security force, and making repairs essential to safety.

As the basis for its analysis of the "action" alternatives, Navy relied upon SPA's proposals for maritime and related uses that were set forth in the Reuse Plan. SPA considered various activities that the NCEL property could support, prepared the Reuse Plan, and submitted it to Navy in August 1995.

The first "action" alternative, the Port/Coastal alternative, proposed a moderate expansion of the Oxnard Harbor District's port facilities by using 5.5 acres on the NCEL property as additional area for wharfside activities such as the handling and storage of cargo. Another part of the property, 6.1 acres, would be dedicated to recreation and public access, and the remainder, 21.5 acres, would be set aside for coastal activities such as fish processing, aquaculture, and maritime training and other educational uses.

The second "action" alternative, the Port/Industrial alternative, proposed greater expansion of the Oxnard Harbor District's port facilities on to the NCEL property, with 27 of NCEL's 33 acres dedicated to cargo handling, storage, and distribution. As in the Port/Coastal alternative, 6.1 acres at NCEL would be dedicated to recreation and public access.

The third "action" alternative, the Mixed Use alternative, proposed the use of 5.5 acres at NCEL for expansion of the Oxnard Harbor District's port facilities, 9.2 acres for use in aquaculture and commercial activities, and 12.3 acres for retail stores, offices and maritime education. As in the Port/Coastal and Port/Industrial alternatives, 6.1 acres would be dedicated to recreation and public access.

Environmental Impacts

Navy analyzed the potential impacts of the "No action" and three "action" alternatives for their effects on land use, socioeconomics, public services, cultural resources, biological resources, water resources, geology and soils, traffic and circulation, air quality, noise, utilities, hazardous materials and hazardous waste. In light of SPA's endorsement of the Port/Industrial alternative, this Record Of Decision will focus on the impacts that could result from implementing that proposal.

No significant adverse impacts on land use would arise out of the Port/Industrial alternative. This proposal is compatible with the existing and projected uses of adjacent property and is consistent with the existing land use

and environmental plans of the city of Port Hueneme and Ventura County.

The Port/Industrial alternative would not result in any significant adverse socioeconomic impacts. Indeed, this alternative would create from 86 to 309 net new jobs. While the proposal may increase enrollment in the three local public school districts by 157 students, that increase would occur over a 25-year period.

This alternative would not cause any significant adverse impacts on public services. Police and fire protection and emergency medical services would be provided by the City of Port Hueneme's Police Department and the Ventura County Fire District. The proposal would not require any increase in current staffing or equipment nor would it adversely affect the established response time for emergency calls.

The International Longshoremen's and Warehousemen's Union's (ILWU) Hiring and dispatching Hall is eligible for listing on the National Register of Historic Places. While located on NCEL property, this building is owned by ILWU. On March 12, 1996, Navy and the California State Historic Preservation Officer concluded a Memorandum of Agreement (MOA) concerning the building pursuant to the regulations that implement Section 106 of the National Historic Preservation Act. 36 CFR Part 800. The Advisory Council on Historic Preservation accepted this MOA on May 8, 1996, and Navy has completed the prescribed recordation of the ILWU Hall in accordance with Historic American Buildings Survey standards.

The United States Coast guard owns the Point Hueneme Lighthouse, which is composed of the lighthouse structure, the light works and supporting facilities and is located at the southwest corner of the NCEL property. The light works, while not eligible for listing on the National Register of Historic Places, is a listed Ventura County landmark. Its preservation status from the County will not change with disposal of the NCEL property.

No significant adverse impacts on biological resources would result from the Port/Industrial alternative. There are no sensitive habitats on the NCEL property, and no endangered or threatened species are likely to inhabit, nest or forage on the property.

The seawall on the southern boundary of the NCEL property will be conveyed with the property. The entity that acquires the NCEL property will be responsible for maintaining the seawall, and failure to maintain it may expose the property to shoreline erosion and

damage from storm surge and tidal waves.

There would be no significant adverse impacts on the property's geological characteristics. The NCEL property is located in an area of high seismic hazards, *i.e.*, Uniform Building Code Seismic Zone 4. Thus, the City of Port Hueneme's Building and Safety Agency would likely require inspection of all structures on the site to determine whether modifications are necessary to permit reuse. The acquiring entity can minimize the potential for soil erosion during construction by implementing erosion control plans as required by the Stormwater Pollution Prevention Program of the National Pollutant Discharge Elimination System.

The Port/Industrial alternative would generate 4,319 average daily vehicle trips that would be distributed primarily along Ventura Road and Hueneme Road. This level of traffic would not have a significant adverse impact on the critical roadways identified in the Ventura County Congestion Management Program.

Ventura County has been classified as a severe nonattainment area under Federal and State ozone standards. In the Port/Industrial alternative, the projected emissions of reactive organic compounds and nitrogen oxides from vehicles and construction equipment would not exceed the Federal threshold of 25 tons per year that triggers the requirement for a conformity analysis under Section 176(c) of the Clean Air Act.

The projected emissions from traffic in the Port/Industrial alternative would exceed the Ventura County Air Pollution Control District's impact significance threshold of 25 pounds per day. Emissions from this traffic, however, have already been considered in the emissions forecast of the Ventura County Air Quality Management Plan and would not likely interfere with California's schedule for compliance with the National Ambient Air Quality Standards.

Ventura County is in attainment with Federal standards governing suspended particulate matter. Under California's stricter standards, however, Ventura County is classified as a nonattainment area. While demolition, renovation, and new construction may generate local dust conditions, the acquiring entity can mitigate this impact by following routine dust control practices.

There would not be any significant adverse impacts from noise. The existing noise levels on the property are dominated by industrial activities associated with Hueneme Harbor and the Oxnard Harbor District. An increase

in use of the existing railroad spur that serves the Oxnard Harbor District would not likely cause off-site noise impacts. The existing Coast Guard foghorn causes local intermittent noise at the southwestern edge of the NCEL property, but the acquiring entity can mitigate this circumstance by moving the foghorn.

Reuse of the NCEL property could cause the City of Port Hueneme to exceed the amount of water it has been allocated by the United Water Conservation District, and shortages could result. To mitigate this potential impact, the acquiring entity could obtain an additional allocation of water from the Oxnard or United Water Conservation Districts.

If future wastewater discharges exceed the current allocation for the NCEL property, the acquiring entity could seek an increased allocation from the City of Port Hueneme. Should such an increased allocation cause the City of Port Hueneme to exceed its share of regional wastewater treatment capacity, it may be necessary for the City of Port Hueneme to acquire additional regional treatment capacity from other municipal users.

No significant adverse impacts would be caused by the hazardous materials and hazardous waste that may be generated by the Port/Industrial alternative. Hazardous materials and hazardous waste management would be the responsibility of the property's owners and users under the governance of Federal, State, and local regulations.

Navy also analyzed the impacts on low-income and minority populations pursuant to Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, reprinted in 42 U.S.C. 4321 note. There would be no disproportionately high and adverse human health or environmental effects on minority and low income populations. All groups would experience equally any impact related to reuse of the NCEL property within the regional population.

Mitigation

Implementation of Navy's decision of dispose of the NCEL property does not require Navy to perform any mitigation measures. The FEIS identified and discussed the actions that would be necessary to mitigate any impacts associated with reuse and redevelopment. The acquiring entity, under the direction of Federal, State, and local agencies with regulatory authority over protected resources, will

be responsible for implementing necessary mitigation measures.

Regulations Governing the Disposal Decision

Since the proposed action contemplates a disposal action under the Defense Base Closure and Realignment Act of 1990 (DBCRA), Public Law 101-510, 10 U.S.C. 2687 note, Navy's decision was based upon the environmental analysis in the FEIS and application of the standards set forth in DBCRA, the Federal Property Management Regulations (FPMR), 41 CFR Part 101-47, and the Department of Defense Rule on Revitalization Base Closure Communities and Community Assistance (DoD Rule), 32 CFR Parts 90 and 91.

Section 101-47.303-1 of the FPMR requires that the disposal of Federal property benefit the Federal government and constitute the highest and best use of the property. Section 101-47.4909 of the FPMR defines the "highest and best use" as that use to which a property can be put that produces the highest monetary return from the property, promotes its maximum value, or serves a public or institutional purpose. The "highest and best use" determination must be based upon the property's economic potential, qualitative values inherent in the property, and utilization factors affecting land use such as zoning, physical characteristics, other private and public uses in the vicinity, neighboring improvements, utility services, access, roads, location, and environmental and historical consideration.

After Federal property has been conveyed to non-Federal entities, the property is subject to local land use regulations, including zoning and subdivision regulations, and building codes. Unless expressly authorized by statute, the disposing Federal agency cannot restrict the future use of surplus Government property. As a result, the local community exercises substantial control over future use of the property. For this reason, local land use plans and zoning affect determination of the highest and best use of surplus Government property.

The DBCRA directed the Administrator of the General Services Administration (GSA) to delegate to the Secretary of Defense authority to transfer and dispose of base closure property. Section 2905(b) of DBCRA directs the Secretary of Defense to exercise this authority in accordance with GSA's property disposal regulations, set forth at Sections 101-47.1 through 101-47.8 of the FPMR. By letter dated December 20, 1991, the

Secretary of Defense delegated the authority to transfer and dispose of base closure property closed under DBCRA to the Secretaries of the Military Departments. Under this delegation of authority, the Secretary of the Navy must follow FPMR procedures for screening and disposing of real property when implementing base closures. Only where Congress has expressly provided additional authority for disposing of base closure property, *e.g.*, the economic development conveyance authority established in 1993 by Section 2905(b)(4) of DBCRA, may Navy apply disposal procedures other than the FPMR's prescriptions.

In Section 2901 of the National Defense Authorization Act for Fiscal Year 1994, Public Law 103-160, Congress recognized the economic hardship occasioned by base closures, the Federal interest in facilitating economic recovery of base closure communities, and the need to identify and implement reuse and redevelopment of property at closing installations. In Section 2903(c) of Public Law 103-160, Congress directed the Military Departments to consider each base closure community's economic needs and priorities in the property disposal process. Under Section 2905(b)(2)(E) of DBCRA, Navy must consult with local communities before it disposes of base closure property and must consider local plans developed for reuse and redevelopment of the surplus Federal property.

The Department of Defense's goal, as set forth in Section 90.4 of the DoD Rule, is to help base closure communities achieve rapid economic recovery through expeditions reuse and redevelopment of the assets at closing bases, taking into consideration local market conditions and locally developed reuse plans. Thus, the Department has adopted a consultative approach with each community to ensure that property disposal decisions consider the Local Redevelopment Authority's reuse plan and encourage job creation. As a part of this cooperative approach, the base closure community's interests, *e.g.*, reflected in its zoning for the area, play a significant role in determining the range of alternatives considered in the environmental analysis for property disposal. Furthermore, Section 91.7(d)(3) of the DoD Rule provides that the Local Redevelopment Authority's plan generally will be used as the basis for the proposed disposal action.

The Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484, as implemented by the FPMR, identifies several mechanisms

for disposing of surplus base closure property: By public benefit conveyance (FPMR Sec. 101-47.303-2); by negotiated sale (FPMR Sec. 101-47.304-8); and by competitive sale (FPMR 101-47.304-7). Additionally, in Section 2905(b)(4), the DBCRA established economic development conveyances as a means of disposing of surplus base closure property. The selection of any particular method of conveyance merely implements the Federal agency's decision to dispose of the property. Decisions concerning whether to undertake a public benefit conveyance or an economic development conveyance, or to sell property by negotiation or by competitive bid are committed by law to agency discretion. Selecting a method of disposal implicates a broad range of factors and rests solely within the Secretary of the Navy's discretion.

Conclusion

The LRA has proposed that the NCEL property should be redeveloped for use as a port facility with maritime industrial, commercial, educational and recreational activities. The property's location and physical characteristics as well as the current uses of adjacent property make it appropriate for the proposed uses. The combinations of port and maritime activities embodied in the Port/Coastal and Port/Industrial alternatives present the highest and best use of NCEL Port Hueneme.

Both the Port/Coastal and Port/Industrial alternatives evaluated in the FEIS respond to local economic conditions, promote rapid economic recovery from the impacts of the NCEL Port Hueneme closure, and are consistent with President Clinton's Five-Part Plan for revitalizing base closure communities, which emphasizes local economic redevelopment of the closing military facility and creation of new jobs as the means to revitalize these communities. 32 CFR Parts 90 and 91, 59 FR 16,123 (1994). Any resultant environmental impacts can be mitigated by the acquiring entity under the direction of Federal, State, and local regulatory requirements.

Although the "No action" alternative has less potential for causing adverse environmental impacts, that alternative would not constitute the highest and best use of the NCEL property. It would not take advantage of the property's location and physical characteristics and the current uses of adjacent property. It is not compatible with the NCEL Community Reuse Plan. It would not foster local economic redevelopment of the NCEL property and would not create new jobs.

Accordingly, Navy will dispose of NCEL Port Hueneme in a manner that is consistent with the NCEL Community Reuse Plan's proposal for port and maritime activities.

Dated: January 22, 1997.

William J. Cassidy, Jr.,

*Deputy Assistant Secretary of the Navy
(Conversion and Redevelopment).*

[FR Doc. 97-2469 Filed 1-30-97; 8:45 am]

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Notice of Intent To Prepare an Environmental Impact Statement for the Disposal and Reuse of Naval Station Brooklyn, New York, NY

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 as implemented by Council on Environmental Quality regulations (40 CFR parts 1500-1508), the Department of Navy announces its intent to prepare an Environmental Impact Statement (EIS) for the Disposal and Reuse of Naval Station Brooklyn (NAVSTA), New York, NY.

In December 1988, the Congressional Committee on Base Realignment and Closure recommended the closure and disposal of the land comprising the NAVSTA. The NAVSTA is that area that was largely associated with the former Naval Hospital and often referred to as the "Navy Yard Annex". In accordance with the Defense Base Closure and Realignment Act of 1990, the NAVSTA was closed in 1993. Approximately five acres of the property was transferred to the Department of Justice. The remainder of the property was requested by homeless organizations in accordance with the then in-effect Stewart B. McKinney Homeless Assistance Plan Act. Plan were initiated for this transfer when the Defense Base Closure Community Redevelopment and Homeless Assistance Act of 1994 allowed communities undergoing the transfer of a defense installation to satisfy homeless demands through other means, thereby preserving the closed defense installation for economic redevelopment. The City of New York has requested that this new legislation be applied to the NAVSTA, and the Mayor's Office of Planning and Community Relations, acting as the local reuse authority (LRA), has prepared a reuse plan for the NAVSTA property.

The proposed action to be considered and evaluated in the EIS is the reuse of the NAVSTA property determined surplus to the needs of the federal government. The reuse plan for the NAVSTA, prepared by the LRA, will be the basis for the EIS. The reuse plan

emphasizes historic preservation and adaptive reuse of the site's buildings to the greatest extent possible. However, the retention of some existing buildings may not be financially or structurally feasible and their removal will be assessed. The reuse plan represents a reasonable and likely development/reuse scenario based on the City's proposed zoning for the site. The reuse plan proposes a mix of commercial development, institutional, historic, community, and open space uses.

The EIS may also consider alternatives to the reuse plan consistent with current zoning.

The EIS will address the following known areas of concern: effects of redevelopment at the NAVSTA on the natural and socioeconomic environments inclusive of land use, zoning, on-site historic resources, and neighborhood character. Environmental issues that will be addressed in the EIS include, but are not limited to, air quality, water quality, transportation, and socioeconomic impacts.

The EIS will also address potential impacts to the former naval cemetery which occupied a portion of the NAVSTA.

ADDRESSES: The Navy will hold a public scoping meeting for the purpose of further identifying the scope of issues to be addressed in the EIS. The meeting will be held on Thursday, February 13, 1997 at the Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn NY 11201, beginning at 7:00 PM. Navy representatives will make a brief presentation, then members of the public will be asked to provide their comments. It is important that federal, state, and local agencies and interested individuals take this opportunity to identify environmental concerns that should be addressed in the EIS. In the interest of time, speakers will be asked to limit comments to five minutes.

Written comments must be postmarked by February 28, 1997, and should be mailed to Commanding Officer, Northern Division, Naval Facilities Engineering Command, Code 202, 10 Industrial Highway, Lester PA 19113, (Attn. Mr. Robert Ostermueller, telephone (610) 595-0759, facsimile (610) 595-0778). The scoping meeting will be conducted in English, and requests for language interpreters or other special communications needs should be made to Mr. Ostermueller at least one week prior to the meeting. The Navy will make every reasonable effort to accommodate these needs.

Dated: January 28, 1997.

D.E. Koenig,

Federal Register Liaison Officer.

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DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request.

SUMMARY: The Director, Information Resources 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 April 1, 1997.

ADDRESSES: Written comments and 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 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