

Dated: May 27, 1998.

L.M. Bynum,

*Alternate OSD Federal Register Liaison
Officer, Department of Defense*

[FR Doc. 98-14695 Filed 6-2-98; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency, Science and Technology Advisory Board Closed Panel Meeting

AGENCY: Department of Defense, Defense Intelligence Agency.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92-463, as amended by Section 5 of Public Law 94-409, notice is hereby given that a closed meeting of the DIA Science and Technology Advisory Board as been scheduled as follows:

DATES: 12 June 1998 (800am to 1600pm).

ADDRESSES: The Defense Intelligence Agency, Bolling AFB, Washington, DC 20340-5100.

FOR FURTHER INFORMATION CONTACT: Maj Michael W. Lamb, USAF, Executive Secretary, DIA Science and Technology Advisory Board, Washington, D.C. 20340-1328 (202) 231-4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), title 5 of the U.S. Code and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: May 27, 1998.

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DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency, Science and Technology Advisory Board Closed Panel Meeting

AGENCY: Department of Defense, Defense Intelligence Agency.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Public

Law 92-463, As amended by Section 5 of Public Law 94-409, notice is hereby given that a closed meeting of the DIA Science and Technology Advisory board has been scheduled as follows:

DATES: 3-4 June 1998 (800am to 1600pm).

ADDRESSES: The Missile & Space Intelligence Center, Redstone-Arsenal, AL 35898-5500.

FOR FURTHER INFORMATION CONTACT: Maj. Michael W. Lamb, USAF, Executive Secretary, DIA Science and Technology Advisory Board, Washington, D.C. 20340-1328 (202) 231-4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advised the Director, DIA, on related scientific and technical matters.

Dated: May 27, 1998.

L.M. Bynum,

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[FR Doc. 98-14697 Filed 6-2-98; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision For The Disposal and Reuse of Naval Station Long Beach and Long Beach Naval Shipyard, Long Beach, 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. § 4332(2)(C), and the regulations of the Council on Environmental Quality that implement NEPA, 40 CFR Parts 1500-1508, hereby announces its decision to dispose of Naval Station Long Beach and Long Beach Naval Shipyard in Long Beach, California.

This disposal decision does not apply to the Navy Fuel Depot, which Navy will retain and operate, or to property that will revert to the City of Long Beach in accordance with the judgment of the United States District Court for the Southern District of California in *United States of America v. 1,039 Acres of Land*, Civil No. 63-1204 HW (S.D. Cal. 1963).

Navy intends to dispose of the Naval Station and the Naval Shipyard property in a manner that is consistent with the Redevelopment Plan for Reuse of Surplus Naval Property, dated July

1995, the Redevelopment Plan for Reuse of Surplus Naval Property, dated December 1995, and the Long Beach Naval Shipyard Comprehensive Reuse Plan, dated July 1996. The City of Long Beach (City), the Local Redevelopment Authority (LRA) for both installations, prepared and approved these three reuse plans.

The LRA Reuse Alternative, identified in the Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR) as the Preferred Reuse Alternative, reflects the City's three reuse plans and proposes to use the Navy property as a marine container terminal facility with an intermodal railyard, a ship repair facility at Drydock 1, a liquid bulk terminal, breakbulk and neobulk terminals, a Sea Launch facility, an oil production relocation area, and a roadway network. Under this alternative, the City of Long Beach would use Building 300 and the surrounding Naval Shipyard property to relocate the City's police headquarters and police training academy.

In deciding to dispose of the Naval Station and the Naval Shipyard in a manner consistent with the LRA's reuse plans, Navy has determined that the LRA Reuse Alternative will meet the goals of achieving local economic redevelopment and creating new jobs, while ensuring land uses that are generally compatible with adjacent property. This Record of Decision does not mandate specific land uses. Rather, it leaves selection of the particular means to achieve the proposed redevelopment to the acquiring entity and the local land use planning authority.

Navy and the City analyzed the impacts of the disposal and reuse of these properties in a Joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR), as required by NEPA and the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code, § 21000, *et seq.*, as amended. For purposes of the analysis required by CEQA, the Joint EIS/EIR serves as an EIR for reuse of the Naval Shipyard and a Subsequent EIR for reuse of the Naval Station.

Background

The Naval Station and the Naval Shipyard are bounded on the north and east by the Port of Long Beach (Port), on the west by the Port of Los Angeles, and on the south by San Pedro Bay. The Naval Station is composed of the Station proper, the Navy Mole, Site 6A in Long Beach (6A-LB), Site 6A in Los Angeles (6A-LA), part of the West Basin, and the Taper Avenue, Savannah and Cabrillo housing areas. The Naval Shipyard is

composed of the Shipyard proper, the remainder of the West Basin, Site 6B, the water tank parcel, and the San Pedro, Palos Verdes, Whites Point, and Los Alamitos housing areas. With the exception of the housing areas, all of these properties are located on Terminal Island.

This Record of Decision addresses the disposal and reuse of the surplus Navy property on Terminal Island that lies within the corporate limits of the City of Long Beach. This property covers 1,140 acres and contains about 225 buildings and support structures. It includes administrative offices, warehouses, industrial space, an Officers' Club, a medical clinic, a chapel, 11 piers, three drydocks, a heliport, and recreational facilities. The area known as the Roosevelt Base Historic District is located on the Naval Station.

Although located on Terminal Island, Site 6A-LA, Site 6B, the water tank parcel, and a sliver of the Navy Mole lie within the City of Los Angeles, which is the LRA for these properties. Consequently, Navy treated these properties separately when it evaluated the impacts of disposal and reuse.

None of the associated housing area is located on Terminal Island. The Taper Avenue, San Pedro, Palos Verdes, and Whites Point housing properties are located within the City of Los Angeles. The Los Alamitos housing property is located within the City of Los Alamitos. The Savannah and Cabrillo housing properties are located in the western part of the City of Long Beach. As a result of their physical separation and functionally independent uses, the impacts of disposal and reuse of the housing properties are being addressed in separate environmental documents.

In accordance with the judgment in *United States of America v. 1,039 Acres of Land*, Civil No. 63-1204 HW (S.D. Cal. 1963), 602 acres of the West Basin and 84 acres Known as Navy Pier E in the Naval Shipyard will revert to the City. Navy has no discretion regarding the disposal of reversionary property, nor any authority to control its use following reversion. Therefore, in this Record of Decision, the Federal action is the disposal of 454 acres of nonreversionary Naval Station and Naval Shipyard property.

Under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, 10 U.S.C. § 2687 note, the 1991 Defense Base Closure and Realignment Commission recommended the closure of Naval Station Long Beach. This recommendation was approved by President Bush and accepted by the One

Hundred Second Congress later in 1991. While Navy ceased operating most of the Naval Station on Station on September 30, 1994, part of the Naval Station remained open to support activities at the still active Naval Shipyard. Navy declared the Naval Station property surplus to the needs of the Federal Government in September 1995.

On July 1, 1995, the 1995 Defense Base Closure and Realignment Commission recommended by closure of Long Beach Naval Shipyard. This recommendation was approved by President Clinton and accepted by the One Hundred Fourth Congress later in 1995. The mission of the Naval Shipyard ceased in 1996, and Navy closed the remaining Naval Station facilities that had supported the Naval Shipyard on September 30, 1996. Navy closed Long Beach Naval Shipyard on September 30, 1997. Navy declared the Naval Shipyard surplus to the needs of the Federal Government in August 1997.

In 1992, the City of Long Beach formed the Naval Properties Reuse Committee (NPRC) to conduct background briefings, fact-finding visits, and public meetings and to solicit requests for redevelopment concepts in the event that the Naval Station property became available. On July 27, 1993, the City accepted and endorsed a plan prepared by NPRC to use the Naval Station property to expand the Port of Long Beach's capacity to handle cargo.

In 1994, Navy determined that the Navy Mole, Site 6A-LB, and an access corridor to Ocean Boulevard were not needed to support operations at the Naval Shipyard and would be available for reuse. On July 18, 1995, the City approved the reuse plan for these parcels that had been prepared by NPRC. This reuse plan recommended that the Port of Long Beach use the Navy Mole and the access corridor for cargo handling activities. The plan also proposed to use Site 6A-LB as a multipurpose center managed by homeless assistance providers.

Navy declared the Mole, Site 6A-LB, and the access corridor surplus to the needs of the Federal Government on September 8, 1995. Navy declared the remaining 70 acres of the Naval Station surplus to the needs of the Federal Government on September 28, 1995. The Department of Defense's Office of Economic Adjustment (OEA) designated the City of Long Beach as the LRA for the Naval Station on May 30, 1995. On December 12, 1995, the LRA approved NPRC's recommendation to use this 70 acres of Naval Station property as a marine container terminal facility.

In 1995, the City established the Shipyard Reuse Advisory Committee (SRAC) to prepare a reuse plan for Long Beach Naval Shipyard. In order to meet the projected demand for expanded port facilities and to satisfy the need for new police facilities, the City expanded its reuse planning to include land adjacent to the Naval Shipyard that was owned by the Port of Long Beach.

The Office of Economic Adjustment designated the City of Long Beach as the LRA for the Naval Shipyard on March 1, 1996. The reuse plan prepared by SRAC and approved by the City in July 1996, proposed to include on Shipyard property a marine container terminal facility, a ship repair facility, a liquid bulk terminal, expanded breakbulk and neobulk terminal facilities, and a police headquarters and police training academy. Navy declared the Naval Shipyard property surplus in August 1997.

Navy published a Notice Of Intent in the Federal Register on October 30, 1995, announcing that Navy would prepare an EIS to analyze the impacts of disposal and reuse of the land, buildings, and infrastructure at Naval Station Long Beach. In 1996, the City, through its Harbor Department, prepared an EIR for reuse of the Naval Station. On September 3, 1996, the City of Long Beach's Board of Harbor Commissioners certified the EIR.

On September 30, 1996, Navy also published a Notice of Intent to prepare an EIS for the disposal and reuse of Long Beach Naval Shipyard. On November 1, 1996, the City, through its Harbor Department, published a Notice of Preparation of an EIR for the proposed redevelopment of the Naval Shipyard.

Navy and the City reevaluated their decisions to prepare separate environmental documents for disposal and reuse of the two properties and determined for several reasons that they would address disposal and reuse of the Naval Station and the Naval Shipyard in a single environmental document. The proposed disposal and reuse actions for both properties would occur in the same general time frame. The City's proposed reuse plans for each property were generally similar, and the possibility existed that a combined analysis could identify alternatives or mitigation measures that would reduce impacts to the Roosevelt Base Historic District as well as other potential environmental impacts.

Navy published a Notice of Intent in the **Federal Register** on July 21, 1997, announcing that Navy and the City of Long Beach would prepare a Joint EIS/EIR for the disposal and reuse of the

Naval Station and the Naval Shipyard. Navy and the City held a public scoping meeting at the City Council Chambers on August 20, 1997, and the scoping process concluded on September 3, 1997.

Navy and the City distributed a Draft EIS/EIR to Federal, State, and local agencies, elected officials, and interested persons on December 19, 1997, and commenced a 45-day public review and comment period. Navy and the City held a public hearing to receive comments on the Draft EIS/EIR on January 14, 1998, at the Convention Center in Long Beach. During the forty-five day public review period, Federal, State, and local agencies, community groups and associations, and the general public submitted oral and written comments concerning the Draft EIS/EIR.

The responses of Navy and the City to all public comments received during this review period were incorporated in the Final EIS/EIR. Navy and the City distributed the Final EIS/EIR to the public on April 10, 1998, for a thirty-day review period that concluded on May 11, 1998. Navy received 72 letters concerning the Final EIS/EIR.

Alternatives

NEPA required Navy to evaluate a reasonable range of alternatives for the disposal and reuse of this Federal property. Navy analyzed the environmental impacts of two disposal alternatives for the Naval Station and Naval Shipyard property: (1) disposal of the 454 acres of nonreversionary Navy property and (2) "No action". Other than for the Navy Mole, which is currently under lease, the "No action" alternative would leave the Navy property in caretaker status with Navy maintaining the physical condition of the property, providing a security force, and making repairs essential to safety.

The City evaluated three reuse alternatives. These alternatives were developed by the LRA's reuse planning process and Navy's Historic Properties Adaptive Use Feasibility Study of the Roosevelt Base Historic District (AUFS). These three alternatives were (1) the LRA Reuse Alternative, (2) the Auto Terminal Alternative, and (3) the Institutional Campus Alternative.

The LRA Reuse Alternative, identified in the EIS/EIR as the Preferred Reuse Alternative, proposes to develop a 327-acre marine container terminal and intermodal railyard facility on the Naval Station and Naval Shipyard properties; an 18-acre ship repair facility centered around Drydock 1 on the Naval Shipyard; a 42-acre oil production relocation area on Port property; an 87-acre breakbulk and neobulk terminal

with 61 acres on Port property and 26 acres on the Navy Mole; a 17-acre Sea Launch facility on the Navy Mole; a 15-acre police headquarters and police training academy at Shipyard Building 300; 46 acres for port-related facilities on the Navy Mole; and 18 acres for roads on the Navy Mole.

In order to accommodate the deep draft container vessels that would call at the marine container terminal facility, approximately 6.6 million cubic yards of sediment would be dredged from the West Basin. An additional 1.6 million cubic yards of sediment would be dredged to accommodate ships using the liquid bulk cargo terminal.

All existing structures within the proposed marine container terminal facility area, including all of the Roosevelt Base Historic District on the Naval Station, would be demolished. Some buildings and structures on the Navy Mole and in the Naval Shipyard would be renovated, refurbished, and reused where feasible.

The Auto Terminal Alternative proposes to use 86 acres at the marine container terminal facility area for a 78-acre automobile terminal and an 8-acre Naval museum centered around Building 1, the Naval Station Headquarters. All other uses and areas would remain the same as in the LRA Reuse Alternative. The Auto Terminal alternative would reuse most of the buildings within the Roosevelt Base Historic District.

The Auto Terminal Alternative would require the dredging of about 7.4 million cubic yards of sediments from the West Basin. Of this total, 2.8 million cubic yards of sediments would be removed to accommodate the auto terminal; 3.0 million cubic yards of sediments would be removed to accommodate the marine container terminal facility; and 1.6 million cubic yards of sediments would be removed to accommodate the liquid bulk terminal.

The Institutional Campus Alternative proposes to use 37 acres at the marine container terminal facility area for a police headquarters and police training academy, Port administration offices, fire department offices, and a Naval museum located within the Roosevelt Base Historic District. This alternative also proposes to develop a 268-acre marine container terminal facility and a 91-acre ship repair facility. All other uses would remain the same as in the LRA Reuse Alternative.

Most of the buildings and structures within the Roosevelt Base Historic District would be reused in the Institutional Campus Alternative. About 4.8 million cubic yards of sediments would be dredged from the West Basin

to accommodate the marine container terminal facility.

Environmental Impacts

Navy analyzed the direct, indirect, and cumulative impacts of disposal and reuse of this Federal property on land use, socioeconomics, utilities, historic and archaeological resources, aesthetics, biological resources, topography, soils and geology, hydrology and water quality, generation of hazardous materials and environmental contamination, public health and safety, traffic and transportation, air quality, noise and vibration, low-income and minority populations, and children.

The direct environmental impacts are those associated with Navy's proposed disposal of 454 acres of nonreversionary Navy property and with the "No action" alternative. The indirect impacts are those associated with reuse of nonreversionary Navy property. The cumulative impacts include those associated with redevelopment of the reversionary Navy property (686 acres) and the adjacent Port of Long Beach property discussed in the LRA reuse plans (89 acres), as well as other projects within the immediate area.

With the exception of the impact on historical and archaeological resources, no significant direct impacts will result from Navy's disposal of Navy property. Therefore, this Record of Decision will focus on the indirect and cumulative impacts that are likely to result from the City's implementation of the LRA Reuse Alternative that was designated as the Preferred Alternative.

The LRA Reuse Alternative will have significant impacts on land use. All of the proposed uses are compatible with existing land use policies and the use of adjacent land, except for the policy headquarters and policy training academy. This use is not compatible with surrounding land use, the City of Long Beach General Plan, the Long Beach zoning ordinance, the Port of Long Beach Port Master Plan, and the California Coastal Act.

While disposal of the Naval Station and the Naval Shipyard will not have an effect on California coastal resources, it will be necessary for the Port of Long Beach to obtain coastal development permits from the California Coastal Commission before redeveloping the Naval Shipyard and surrounding Port properties. Because they are not port-related uses, the proposed police headquarters and police training academy are not consistent with the California Coastal Act and the Port of Long Beach Port Master Plan and may constitute an unmitigable impact on these policies.

The LRA Reuse Alternative will not result in any significant adverse socioeconomic impacts. This alternative will likely generate 1,046 direct jobs and 2,017 direct and indirect jobs in Los Angeles County and Orange County. Although the July 1995 reuse plan for the Naval Station includes a homeless service center on Site 6A, traffic mitigation measures for the marine container terminal facility will require relocation of that center with a resultant potential impact on homeless assistance services. To mitigate such a loss, the Port has acquired property for a homeless assistance facility and will provide funding to renovate the property.

The LRA Reuse Alternative will not result in any significant impacts on utilities or utility systems, because the intensity of land use will decrease and the number of people working at the facilities will be less than when the Naval Station and the Naval Shipyard were operational.

The demolition of many structures will generate debris that must be transferred to landfills. Although the volume of such waste will not be significant in terms of landfill capacity, landfill capacity is not unlimited and additional demand for these facilities has a potentially significant effect. To mitigate this impact, implementation of the LRA Reuse Alternative will be designed to comply with the City's existing program to reduce solid waste pursuant to the California Solid Waste Reuse and Recycling Access Act of 1991, Cal. Pub. Res. Code, § 42900, *et seq.*

The LRA Reuse Alternative's proposed use of the Naval Station will have a significant impact on historical and cultural resources for three reasons. First, the transfer of the Roosevelt Base Historic District from Federal ownership is considered an adverse effect under 36 C.F.R. § 800.9(b), because it will decrease the protection afforded by the National Historic Preservation Act, 16 U.S.C. § 470, *et seq.* (NHPA). Second, the LRA Reuse Alternative proposes to demolish the Roosevelt Base Historic District to allow construction of the marine container terminal facility. Third, although the likelihood of encountering archeological resources is minimal, disturbances and modifications to the ground surface may have an adverse effect on potential archeological resources.

In accordance with Section 106 of NHPA, Navy consulted with the California State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation, and several interested parties concerning ways to

avoid and mitigate adverse impacts to the Roosevelt Base Historic District resulting from Federal disposal of the Naval Station and the LRA's proposed reuse. This consultation concluded on January 27, 1998, with a Memorandum Of Agreement (MOA) that defined the mitigation measures that shall be implemented before the Naval Station is conveyed and before any demolition of the Roosevelt Base Historic District may occur.

Navy shall ensure that the Historic American Building Survey (HABS) documentation is made available to the SHPO and to any archive designated by the SHPO. The Port of Long Beach shall prepare a written curation plan; develop a professional quality story board exhibit; determine the feasibility of conducting an open house and tour of the Roosevelt Base Historic District; prepare a professional quality documentary film about the history of the Navy in Long Beach and conduct an outreach program to make the film available to the public; prepare a plan for the salvage and reuse of architectural and landscape elements; and deposit \$4,500,000 in the Long Beach Heritage Fund for the express purpose of fostering and supporting the identification, evaluation, preservation, rehabilitation, restoration and interpretation of historical resources within the municipal boundaries of the City of Long Beach.

The MOA also requires that, in the unlikely event that unidentified cultural material is encountered during demolition or other ground disturbing activities, work will be temporarily halted until a qualified archeologist can evaluate the importance of the find and appropriate consultation has been conducted. Implementation of these mitigation measures will not, however, reduce the impacts to a less than significant level, because the entire Roosevelt Base Historic District will be demolished under the LRA Reuse Alternative.

The LRA Reuse Alternative will not have a significant adverse impact on aesthetics. The proposed reuse is consistent with the existing industrial character of Terminal Island and the surrounding port area.

The LRA Reuse Alternative will not have significant adverse impacts on the California brown pelican and the California least tern, two Federally endangered species listed under the Federal Endangered Species Act of 1973, 16 U.S.C. § 1531, *et seq.* The proposed dredging for the marine container terminal facility, however, would eliminate 26 acres of shallow water habitat in the West Basin that may

be used by the Terminal Island least tern colony.

Thus, Navy and the Port of Long Beach conducted an informal consultation with the Department of the Interior's U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act to identify mitigation measures that would respond to these impacts. As a result, the Fish and Wildlife Service concurred with the Port's proposal to create a shallow water habitat area in a sheltered and relatively secluded triangular area east of the Pier 400 causeway and southwest of the Navy Mole.

The LRA Reuse Alternative will have a significant adverse impact on the black-crowned night heron rookery that occupies the large ornamental focus trees on the Naval Station. These trees would be removed to build the marine container terminal facility. Black-crowned night herons are protected by the Migratory Bird Treaty Act of 1918, 16 U.S.C. § 703, *et seq.*, and have been classified by the California Department of Fish and Game as a "California Special Animal". Consequently, their rookeries are considered sensitive resources in southern California.

The Port of Long Beach and USFWS discussed mitigation that would respond to the loss of these trees. The Port proposes to relocate the colony to Gull Park at the eastern end of the Navy Mole. This relocation will be accomplished by removing about 30 nesting trees from the Naval Station and replanting them at Gull Park with 20 additional new ficus trees. The relocated trees and the new trees will be planted among the existing trees at Gull Park to develop an interlocking canopy favored by the herons. Additionally, salvaged nests, artificial nests, decoys, and recorded calls will be used to attract herons to the new site. These mitigation measures will reduce the impacts below the significant level. If the relocation is not successful, the Port will prepare and implement a contingency plan that would expand and enhance rookeries elsewhere in southern California.

The LRA Reuse Alternative will not have any significant adverse environmental impacts on topography, soils, or geology. Similarly, the LRA Reuse Alternative will not have any significant adverse environmental impacts on hydrology or water quality.

The generation of hazardous materials and environmental contaminants under the LRA Reuse Alternative will not have any significant adverse impacts. Although no mitigation is required, the Port of Long Beach will continue to work closely with the U.S. Army Corps of Engineers and the Los Angeles

Regional Water Quality Control Board to develop appropriate control measures that will minimize the transmission of contaminated sediments in the West Basin during dredging. The standard control measures that are part of any dredging plans or permits issued by the regulatory agencies will preclude hydraulic dredging of contaminated sediments; require the use of silt curtains during dredging and disposal of highly contaminated sediments; and require frequent sampling of the West Basin to ascertain the presence of potential contaminants.

The LRA Reuse Alternative will have certain significant unmitigable adverse impacts on public health and safety. During construction of the intermodal railyard on the Navy Mole, workers will be present within the explosive arc associated with the Navy Fuel Depot. Construction of the ship repair facility and the police headquarters and police training academy on the Naval Shipyard will require workers to be present within the explosive arc associated with the existing liquid bulk terminal on the Port of Long Beach's property at Pier T and the radiant heat arc of Southern California Edison's (SCE) fuel tank farm. Although the Port of Long Beach will train and inform workers about potential hazards and evacuation plans, the significance of these impacts cannot be reduced.

Similarly, locating the police headquarters and training academy and the ship repair facility within the radiant heat arc of the existing SCE fuel tank farm and within the explosive arc of the proposed expansion of the existing liquid bulk terminal could have unavoidable significant adverse impacts on the health and safety of employees and visitors at these facilities. Additionally, the location of these facilities is inconsistent with existing hazard footprints and thus contrary to the Port of Long Beach's Risk Management Plan that discourages the siting of habitable buildings and uses within known hazard footprints.

The LRA Reuse Alternative will not cause significant adverse impacts on traffic and transportation. Implementation of this alternative will generate about 14,880 average daily trips, compared with 62,580 such trips when the Naval Station and the Naval Shipyard were open in 1990. Operation of the marine container terminal facility will increase train movement by an additional 27 trains per week, creating significant vehicular delays where there are at-grade railroad crossings. However, the fact that the Alameda Corridor project will be completed before the LRA Reuse Alternative is fully

operational will mitigate the impact on these vehicles.

The Alameda Corridor is a 20-mile railway improvement project that separates rail traffic from vehicular traffic at roadway intersections from the Port of Los Angeles and the Port of Long Beach to the downtown Los Angeles railyards. This corridor will reduce rail traffic on the existing major rail lines and reduce traffic-related delay, disruption, and train noise.

The LRA Reuse Alternative will cause of significant adverse impacts on air quality. Although the net operational emissions of Nitrogen oxides (NO_x) and particulate matter (PM₁₀) will exceed South Coast Air Quality Management District thresholds, redevelopment of the Naval Station and the Naval Shipyard was incorporated in the 1994 and 1997 State Implementation Plans in terms of projected emissions and transportation control measures.

Section 176 of the Clean Air Act, 42 U.S.C. § 7506, as amended, requires Federal agencies to review their activities to ensure that they do not hamper local efforts to control air pollution. This statute prevents Federal agencies from conducting activities that do not conform to an approved implementation plan but recognizes certain categorically exempt activities. The conveyance of real property, regardless of the method, is a categorically exempt activity. Accordingly, disposal of the Naval Station and the Naval Shipyard does not require Navy to conduct a conformity analysis.

The LRA Reuse Alternative will not result in significant adverse impacts on noise or vibration. Additionally, the completion of the Alameda Corridor will mitigate vibration impacts along the rail routes.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, reprinted in 42 U.S.C. § 4321 note, requires that Navy determine if any low-income and minority populations will experience disproportionately high and adverse human health or environmental effects from the proposed action. While there are substantial minority and low-income populations residing in areas in the vicinity of the Naval Station and the Naval Shipyard, these populations are not adjacent to the site and will not experience disproportionately high and adverse human health or environmental effects. Those minority and low-income populations who reside along existing major rail lines could experience disproportionately high and adverse effects from the increase in rail traffic if

the additional rail lines planned under the Alameda Corridor project are either not built or are delayed.

Executive Order 13045, Environmental Health and Safety Risks to Children, 62 Fed. Reg. 19885 (1997), requires Navy to analyze the impacts on children. There are no residential neighborhoods in the immediate vicinity of the Naval Station and the Naval Shipyard. Therefore, there will not be any adverse environmental health risks or safety risks to children arising out of construction an operation of the proposed LRA Reuse Alternative. However, children who reside along existing rail lines could be adversely affected by the increase in rail traffic if the Alameda Corridor project is either not built or is delayed.

Mitigation

Implementation of the decision to dispose of the Naval Station and the Naval Shipyard does not require Navy to perform any mitigation measures beyond those discussed here. Navy has completed the actions required by the Memorandum of Agreement for the Disposal of the Roosevelt Base Historic District, dated January 27, 1998. Additionally, in accordance with applicable Federal and State laws, Navy will include appropriate restrictive covenants in the deeds and leases in furtherance of conveyance for any parcels where hazardous substances remain.

The Final EIS/EIR identified and discussed those actions that will be necessary to mitigate the impacts associated with reuse and redevelopment of the Naval Station and the Naval Shipyard. The acquiring entity, under the direction of Federal, State, and local agencies with regulatory authority over protected resources, will be responsible for implementing any necessary mitigation measures.

Comments Received on the FEIS

Navy received comments on the Final EIS/EIR from one Federal agency; three local agencies; seven organizations; and 61 individuals. Many of the comments simply stated support for or opposition to a particular reuse alternative. The Institutional Campus Alternative received the most support from those commenting on the Final EIS/EIR, followed by the LRA Reuse Alternative, and the "No action" alternative. All of the substantive comments received concerned issues already discussed in the EIS/EIR. Those comments that require clarification are addressed below.

Several comments suggested that a national park alternative should be

added to the EIS/EIR. A reasonable range of reuse alternatives was analyzed in the EIS/EIR. Reuse of the Navy property on the Naval Station for a park, whether national, state, regional or local, is not a feasible reuse alternative. The justification for eliminating a park-related reuse from detailed analysis is addressed in Chapter 2 of the Final EIS/EIR. Despite the assertions in a comment that the Department of the Interior was actively considering development of a national park on the Naval Station, no governmental entity has advocated or supported developing a park there.

Responding to a proposal from private citizens that consideration be given to establishing a national park at the Naval Station, the Department of the Interior, by letter dated April 23, 1998 stated that it would review the proposal to determine whether to place it on Interior's list of proposals earmarked for future study. Interior has taken no action to designate the Naval Station as a national landmark or part of the national park system.

Several individuals also commented on the adequacy of the discussion of the ship repair facility. Navy is not required, nor is it feasible, to evaluate every increment in the size and capability of the ship repair facility proposed under all three reuse alternatives. The Final EIS/EIR presents a thorough discussion of the environmental impacts associated with a ship repair operation and allows a reasoned decision concerning disposal and reuse of the property.

The Port of Los Angeles commented on potential traffic problems associated with truck traffic waiting for access to the marine container terminal facility. The Port of Los Angeles asked Navy to place deed restrictions on the property that would require construction of the "Terminal Island Freeway/Ocean Boulevard Interchange Project," an unrelated port access demonstration project. This project has not been identified in the EIS/EIR as mitigation for potential traffic congestion. Additionally, as Navy explained in response to comments on the DEIS/EIR, Navy has no statutory authority to use deed restrictions to require construction of such a demonstration project.

The Port of Los Angeles also commented on safety issues associated with existing and projected hazard footprints for nearby fuel storage tanks and the proposed liquid bulk terminal. The Final EIS/EIR recognized that the proposed police headquarters and police training academy and the ship repair facility would lie within these hazard footprints and acknowledged

that this proximity constitutes a significant adverse impact on the safety of individuals working at the proposed facilities. While some mitigation measures that would respond to this impact on safety have been identified in the Final EIS/EIR, there is no mitigation that will reduce the impact below the significant level.

The El Dorado Audubon Society submitted comments concerning impacts on the black-crowned night heron that would result from the proposed reuse of the Naval Station property. The impacts on the heron were thoroughly discussed in the final EIS/EIR, and the establishment of a nesting site at Gull Park was selected as an appropriate mitigation measure. In fact, during recent surveys of the heron population, Navy discovered that a large number of the nesting heron pairs had voluntarily relocated to Gull Park even though no nesting trees have yet been removed from the Naval Station.

Several individuals and community groups commented on the impacts associated with increased rail traffic on rail lines that provide access to Terminal Island. The Final EIS/EIR discussed the potential safety and noise-related impacts on individuals, low-income and minority populations, and children residing along the rail corridor. The Alameda Corridor project, which reduces rail traffic on existing rail lines that traverse predominately residential areas and moves rail crossings below road grade, will mitigate potential significant impacts from the increased rail traffic. Additionally, the Alameda Corridor is scheduled to be completed before the intermodal and rail facilities that the LRA has proposed under any of the reuse alternatives would become fully operational.

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 Final EIS/EIR 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 Revitalizing Base Closure Communities and Community Assistance (DoD Rule), 32 CFR Parts 174 and 175.

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 considerations.

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 exercise 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 in Part 101-47 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 those in the FPMR.

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 174.4 of the DoD Rule, is to help base closure communities achieve rapid economic recovery through expeditious 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 175.7(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. 101-47.304-9); 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's proposed reuse of the Naval Station and the Naval Shipyard, reflected in the combined LRA reuse plans and embodied in the LRA Reuse Alternative, is consistent with the requirements of the FPMR and Section 174.4 of the DoD Rule. The LRA has determined in its reuse plans that the property should be used primarily as a port. The property's location, physical characteristics and existing infrastructure as well as the current uses of adjacent property make it appropriate for the proposed use. While the use of certain adjacent property for a police headquarters and police training academy and a ship repair facility is not consistent with the restrictions imposed by certain port operations, those facilities constitute only a small part of the entire reuse plan.

The LRA Reuse Alternative responds to local economic conditions, promotes rapid economic recovery from the impact of the closures of the Naval Station and the Naval Shipyard, and is consistent with President Clinton's Five-Part Plan for Revitalizing Base Closure Communities, which emphasizes local economic redevelopment and creation of new jobs as the means to revitalize these communities. 32 CFR Parts 174 and 175, 59 Fed. Reg. 16123 (1994).

Although the "No action" alternative has less potential for causing adverse environmental impacts, this alternative will not take advantage of the property's location, physical characteristics and infrastructure or the current uses of adjacent property. Additionally, it will not foster local redevelopment of the Naval Station and the Naval Shipyard property.

The acquiring entity, under the direction of Federal, State, and local agencies with regulatory authority over protected resources, will be responsible for adopting practicable means to avoid or minimize environmental harm resulting from implementing the reuse plans.

Accordingly, Navy will dispose of Naval Station Long Beach and Long Beach Naval Shipyard in a manner that is consistent with the City of Long Beach's reuse plans for the Naval Station and the Naval Shipyard property.

Dated: May 26, 1998.

Robert B. Pirie, Jr.,
Assistant Secretary of the Navy, (Installations and Environment).

[FR Doc. 98-14732 Filed 6-2-98; 8:45 am]

BILLING CODE 3810-FF-M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, 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 August 3, 1998.

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, SW., 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 Acting Deputy Chief Information Officer, Office of the Chief Information Officer, 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.

The Department of Education is especially interested in public comment