

DATES: Interested persons are invited to submit comments on or before May 19, 2000.

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 Leader, Information Management Group, Office of the Chief Information Officer, publishes that 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.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 14, 2000.

William Burrow,

*Leader, Information Management Group,
Office of the Chief Information Officer.*

Office of Postsecondary Education

Type of Review: Reinstatement.

Title: Performance Report for the Ronald E. McNair Postbaccalaureate Achievement Program.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 1.

Burden Hours: 702.

Abstract: The Ronald E. McNair Postbaccalaureate Achievement Program grantees are required to submit the report annually. The reports are used to monitor the performance of grantees prior to awarding continuation funds and to assess a grantee's prior experience at the end of each budget period. The Department will also aggregate the data to provide descriptive information and analyze program impact.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, D.C. 20202-4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202-708-9346. Please specify the complete title of the information collection when making your request. Written comments or questions regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708-9266. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

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DEPARTMENT OF ENERGY

National Nuclear Security Administration¹

Record of Decision: Conveyance and Transfer of Certain Land Tracts Administered by the Department of Energy and Located at Los Alamos National Laboratory, Los Alamos and Santa Fe Counties, New Mexico

AGENCY: Department of Energy.

ACTION: Record of decision.

SUMMARY: The U.S. Department of Energy (DOE) is issuing this Record of Decision on the conveyance and transfer of certain land tracts previously identified as being potentially suitable for this action as required by Public Law 105-119, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, Fiscal Year 1998 (Section 632, 42 United States Code [U.S.C.] § 2391; the

¹ The National Nuclear Security Administration was established by the National Defense Authorization Act for Fiscal Year 2000, Public Law 106-65, Title XXXII, Oct. 5, 1999, 113 Stat. 953 *et seq.*

Act). This Record of Decision is based upon the requirements for DOE action as stated in the Act and upon the information contained in the Environmental Impact Statement for the Conveyance and Transfer of Certain Land Tracts Administered by the Department of Energy and Located at Los Alamos National Laboratory, Los Alamos and Santa Fe Counties, New Mexico, DOE/EIS-0293. DOE has decided to implement the Preferred Alternative, i.e., seven tracts will be conveyed or transferred in full, and three tracts (Airport, TA-21, and White Rock Y) will be conveyed or transferred in part, based on DOE's continuing or future need for an individual tract, or a portion of the tract, to meet the national security mission support function at the Los Alamos National Laboratory (LANL). In the "Conveyance and Transfer" EIS discussion of the Preferred Alternative, DOE identified the potential partial transfer of the White Rock Y Tract due to the developing proton radiography project, and the tract was considered as one of the tracts that would be conveyed in whole or in part by 2007. In this Record of Decision, DOE is conveying or transferring only part of the White Rock Y Tract because of the potential national security mission need. Should DOE's siting of the proposed proton radiography project not require a part of the White Rock Y Tract as a buffer area, DOE will reassess the need to retain any buffer areas and amend this Record of Decision, as needed.

Additionally, the disposition of each tract, or portion of a tract, will be subject to the ability of DOE to complete any necessary environmental restoration or remediation. DOE will convey to the Incorporated County of Los Alamos and/or transfer to the Department of the Interior, in trust for the San Ildefonso Pueblo, ten tracts, in whole or in part, totaling about 4,046 acres. Pursuant to the Allocation Agreement between the County of Los Alamos and the San Ildefonso Pueblo submitted to the Secretary of Energy on January 7, 2000, all lands are to be received by the County of Los Alamos except for portions of the TA-74 Tract, the White Rock Y Tract, and the White Rock Tract.

FOR FURTHER INFORMATION CONTACT: For further information on the Conveyance and Transfer EIS or to receive a copy of this EIS or other information related to this Record of Decision, contact: Elizabeth Withers, Document Manager, U.S. Department of Energy, Los Alamos Area Office, 528 35th Street, Los Alamos, NM 87544, (505) 667-8690.

For information on the DOE National Environmental Policy Act (NEPA) process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH-42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586-4600, or leave a message at (800) 472-2756.

SUPPLEMENTARY INFORMATION:

Background

DOE prepared this Record of Decision pursuant to the regulations of the Council on Environmental Quality for implementing NEPA (40 CFR parts 1500-1508) and DOE's NEPA Implementing Procedures (10 CFR part 1021). This Record of Decision is based on several factors such as national security mission need, estimated costs and cleanup durations and the technical feasibility of achieving restoration and remediation, and on information provided in the Environmental Impact Statement for the Conveyance and Transfer of Certain Land Tracts Administered by the Department of Energy and Located at Los Alamos National Laboratory, Los Alamos and Santa Fe Counties, New Mexico (DOE/EIS-0293) (Conveyance and Transfer EIS).

LANL is one of several national laboratories that supports DOE's responsibilities for national security, energy resources, environmental quality, and science. LANL is located in north-central New Mexico, about 60 miles (97 kilometers) north-northeast of Albuquerque, and about 25 miles (40 kilometers) northwest of Santa Fe. The small communities of Los Alamos townsite, White Rock, Pajarito Acres, the Royal Crest Mobile Home Park, and San Ildefonso Pueblo are located in the immediate vicinity of LANL. LANL occupies an area of approximately 27,832 acres (11,272 hectares), or approximately 43 square miles (111 square kilometers). DOE also has administrative control over other properties and land within Los Alamos County that total about 915 acres (371 hectares).

In 1943, the Federal Government began acquiring land in the general area of Los Alamos, New Mexico, for the location of a secret research and development facility for the world's first nuclear weapon, known originally as "Project Y of the Manhattan Project" (now known as LANL). DOE is the Federal agency with current administrative responsibility for LANL. In 1949, the New Mexico Legislature created the County of Los Alamos (the County) from portions of Santa Fe and Sandoval Counties. However, most of

the County remained under the control of the Federal Government until the 1950s.

Under the Atomic Energy Community Act (AECA) of 1955 (42 U.S.C. 2301-2394), the Federal Government recognized its responsibility to provide support for a specified period to agencies or municipalities that were strongly affected by their proximity to facilities that are part of the nation's nuclear weapons complex while these communities achieved self-sufficiency. Los Alamos, New Mexico, was established as a such a wholly government-owned community in which the Federal Government provided all municipal, educational, medical, housing, and recreational facilities. The AECA set forth the policies and obligations of the Federal Government to these communities, including provisions related to financial assistance payments. These policies were directed at terminating Federal Government ownership and management of the communities by facilitating the establishment of local self-government, providing for the orderly transfer to local entities of municipal functions, and providing for the orderly sale to private purchasers of property within these communities. The establishment of self-government and transfer of infrastructure and land were intended for the purpose of encouraging self-sufficiency of the communities through the establishment of a broad base for economic development. DOE's predecessor agency leased and disposed of some of the Federal lands under its management to the County, other government agencies, and to private parties in the late 1950's and early 1960's. In 1967, DOE's predecessor agencies began to transfer ownership of land tracts, roads, buildings, and some of the utility systems managed by DOE to the County to be made available for public use. The land that was released at that time was primarily located within the Los Alamos townsite and had been used for civilian housing and community support functions. A relatively small amount of land was auctioned to individuals and private developers to establish the Royal Crest Mobile Home Park, the White Rock and Pajarito Acres communities, and to develop areas in and around the Los Alamos townsite. Additionally, a number of various leases for small tracts of land within the County were entered into during this period. The release of these lands from Federal Government use in the late 1960's enabled them to be developed for a variety of uses,

ranging from preservation to urban development.

Over the years, the LANL boundaries have changed and have been reduced extensively as a result of several land transfer efforts. Today, only about 38 percent of the total land that historically comprised the LANL reserve remains under DOE's administrative control. The bulk of this remaining land is occupied by LANL, with the University of California as DOE's current Management and Operating contractor conducting day-to-day operation of the site. Currently, LANL is bounded by the lands of several landowners and stewards with a variety of land uses.

On November 26, 1997, Congress passed Public Law 105-119, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, Fiscal Year 1998 ("the Act"). Section 632 of the Act (42 U.S.C. 2391) directs the Secretary of Energy (the Secretary) to convey to the Incorporated County of Los Alamos, New Mexico, or to the designee of the County, and transfer to the Department of the Interior, in trust for the San Ildefonso Pueblo, parcels of land under the jurisdictional administrative control of the Secretary at or in the vicinity of LANL. Such parcels, or tracts, of land must meet suitability criteria established by the Act. The purpose of the conveyances and transfers is to fulfill the obligations of the United States with respect to Los Alamos, New Mexico, under sections 91 and 94 of the Atomic Energy Community Act of 1955 (AECA) (42 U.S.C. 2391, 2394). Upon the completion of the conveyance or transfer, the Secretary of Energy shall make no further financial assistance payments with respect to LANL under the AECA.

The Act sets forth the criteria, processes, and dates by which the tracts will be selected, titles to the tracts reviewed, environmental issues evaluated, and decisions made as to the allocation of the tracts between the two recipients. DOE's responsibilities under the Act include identifying potentially suitable tracts of land according to criteria set forth in the law (Land Transfer Report, April 1998); conducting a title search on each tract of land (Title Report, September 1998); identifying any environmental restoration and remediation that would be needed for each tract of land (Environmental Restoration Report, August 1999); conducting National Environmental Policy Act of 1969 (NEPA) review of the proposed conveyance or transfer of the land tracts (the Conveyance and Transfer EIS,

October 1999, distributed in January 2000); reporting to Congress on the results of the Environmental Restoration Report review and the final Conveyance and Transfer EIS (Combined Data Report, January 2000); and preparing a plan for conveying or transferring land according to the allocation agreement of parcels for Congress (Conveyance and Transfer Plan, planned for April 2000). The Act further states that the Secretary must, to the maximum extent practicable, conduct any needed environmental restoration or remediation activities within 10 years of enactment (by November 26, 2007), and convey and transfer the tracts meeting the suitability criteria. Under the Act, DOE has no role in the designation of recipients nor how the parcels of land will be allocated between the recipients.

As required by the Act, DOE identified 10 tracts of land as being potentially suitable for conveyance and transfer. The 10 tracts are the subject of DOE's Land Transfer Report submitted to Congress in April 1998. These 10 tracts of land are as follows (all acreages given are approximate and have been adjusted herein to include some rights-of-ways that were inadvertently excluded from the original April 1998 report):

The Rendija Canyon Tract consists of about 910 acres (369 hectares). The canyon is undeveloped except for the shooting range (the Sportsman's Club) that serves the local community; the shooting range is currently under lease from DOE to the community.

The DOE Los Alamos Area Office (LAAO) Tract consists of about 15 acres (6 hectares). It is within the Los Alamos townsite. DOE employees occupy offices at the site.

The Miscellaneous Site 22 Tract is a small, Los Alamos townsite parcel located on the edge of the mesa overlooking Los Alamos Canyon. It consists of less than 0.5 acre (0.2 hectare) of disturbed land that is undeveloped and currently is used as an unsanctioned vehicle parking area.

The Miscellaneous Manhattan Monument Tract consists of less than 0.5 acre (0.02 hectare). The Manhattan Monument is a small, rectangular site located within Los Alamos County land and adjacent to Ashley Pond, where most of the first Los Alamos laboratory work was conducted. A small log structure occupies the site.

The DP Road Tract (North, South and West) consists of about 50 acres (20 hectares). It is generally undeveloped except for the West section where the LANL archives are currently located in one of two buildings.

The TA-21 Tract consists of about 260 acres (105 hectares) and is located east of the Los Alamos townsite. This occupied site is remote from the main LANL area; University of California workers occupy offices at the site, and LANL operations are conducted at facilities there.

The Airport Tract consists of about 205 acres (83 hectares). Located east of the Los Alamos townsite, it is close to the East Gate Business Park. The Los Alamos Airport is located on part of the tract, while other portions of the tract are undeveloped.

The White Rock Y Tract consists of about 540 acres (219 hectares). It is undeveloped and is associated with the major transportation routes connecting Los Alamos with northern New Mexico.

The TA-74 Tract consists of about 2,715 acres (1,100 hectares). It is a large, remote site located east of the Los Alamos townsite and is largely undeveloped.

The White Rock Tract consists of about 100 acres (40 hectares). It is undeveloped except for utility lines, a water pump station, and a small building in use by the County.

As required by the Act, DOE conducted a review of its ownership for each of the 10 tracts of land identified as being potentially suitable for conveyance and transfer. The results of this search (in the form of formal Title Reports) for any claims, liens, or similar instruments affecting DOE's title to its interests in the real property for each of the 10 subject tracts were submitted to Congress in September 1998. No "clouds on the titles" were discovered during the search.

DOE identified the environmental restoration and remediation necessary before it can dispose of the subject tracts in the Environmental Restoration (ER) Report, as required by the Act. Descriptions of the type and extent of known tract contamination, the regulatory status of the site contamination, potential waste generation associated with environmental restoration activities, the estimated costs and durations for cleanup, and other site concerns are included in the report; it also identifies areas where no site data is yet available.

The LANL ER Project has its own process of site investigation, data analysis, public and stakeholder involvement and remediation that occurs under auspices of an Administrative Authority (either the New Mexico Environment Department or DOE). LANL is regulated under the *Resource Conservation and Recovery Act* (RCRA). The activities under the LANL ER Project are subject to DOE

review for compliance with NEPA at the time that proposals for actions become ripe for decision, which is typically after public input and Administrative Authority agreement to pursue specific types of cleanup activities. To the extent that this information was known or that reasonably bounding data has been developed, the information was presented and used in the Conveyance and Transfer EIS analysis. Additional DOE NEPA review will be necessary for the majority of the activities yet to be undertaken at most of the subject tracts.

The review of environmental impacts of the conveyance or transfer of each parcel, as required by the Act, is the subject of the Conveyance and Transfer EIS. The NEPA compliance process, the general document scope, the purpose and need for DOE action, the decisions supported by the impact analysis, a description of the alternatives analyzed, and a brief discussion and comparison of the impacts likely to occur from implementing the alternatives analyzed are included in the Conveyance and Transfer EIS.

As required by the Act, a report (Combined Data Report) presenting information regarding the environmental restoration or remediation required for the subject tracts (including estimated costs and cleanup durations), and the potential environmental impacts associated directly, indirectly, and cumulatively with conveyance and transfer of the subject tracts was submitted to Congress on January 24, 2000. This report makes recommendations for the conveyance or transfer of each of the subject tracts, either in whole or in part, with regard to the likelihood of DOE being able to meet the suitability criteria established in the Act.

The Incorporated County of Los Alamos and San Ildefonso Pueblo, as required by the Act, have reached an agreement on the allocation of parcels between them and submitted their agreement to the Secretary of Energy on January 7, 2000. Under that agreement, all subject lands are to be received by the County of Los Alamos except for portions of the TA-74 Tract, the White Rock Y Tract, and the White Rock Tract.

As required by the Act, DOE must submit a plan outlining how it will proceed with the actual conveyance or transfer of each of the subject tracts, in whole or in part, to the two recipients pursuant to their agreement of allocation. This plan will be submitted to Congress in April 2000. DOE shall convey or transfer parcels in accordance with the allocation agreement between the two recipients, subject to the requirements of the Act for retention of

lands needed for DOE to meet its national security mission and/or the requirements for environmental restoration or remediation (providing these requirements can be met within the 10-year period beginning on the date of enactment of the Act, which ends November 26, 2007), and subject to the decisions in this Record of Decision.

This Record of Decision considers, and the Conveyance and Transfer Plan will consider: the need for land to support its national security mission requirements, estimated costs and cleanup durations and the technical feasibility of achieving restoration and remediation to the maximum extent practical, as required under the Act, for one of the three uses established by PL 105-119; the information on environmental impacts associated with the subject tracts as a result of conveyance and transfer; and other factors discussed later in this Record of Decision.

Alternatives Considered

DOE analyzed two alternatives in the Conveyance and Transfer EIS: the No Action Alternative and the Proposed Action Alternative.

Alternative 1—No Action

The No Action Alternative reflects the conditions that would prevail if DOE did not convey or transfer the subject tracts of land. Under this alternative, DOE would continue its administrative control of each or all of the individual tracts tentatively identified as a candidate for conveyance and transfer, and conveyance or transfer actions for each or all of the tracts would not occur. The subject lands would continue to be used as they are currently. Individual tracts would continue to be used to either support LANL uses (as undeveloped programmatic activity buffer zones; historic, cultural, or environmental preservation areas; or future growth areas) or in support of ongoing or similar mission support functions. DOE would continue to lease properties to the County and others for continuance of their current public relations, recreational, and commercial purposes. Under this alternative, land might not be restored or remediated in the same manner or time frame as under the Proposed Action Alternative. LANL ER Project activities would be conducted on the tracts as they become funded in accordance with either existing or similar plans. Neither the County nor San Ildefonso Pueblo would gain additional land to promote self-sufficiency or diversification of their income basis.

Alternative 2—Proposed Action Alternative

Under the Proposed Action Alternative, each of the 10 tracts of land identified as potentially suitable in DOE's Land Transfer Report (April 1998) would individually be either conveyed or transferred, in whole or in part, to either the County or the Secretary of the Interior, in trust for San Ildefonso Pueblo. DOE actions associated with the conveyance and transfer of these land tracts would involve certain "paper transactions," and some tenant relocation activities. DOE actions would result in potential direct impacts because of various resources passing out of the administrative responsibility and protection of DOE. Additionally, indirect impacts could result from the development and use of the tracts by the two recipient parties. Potential cumulative impacts from the actions of other local and regional past, present, and future reasonably anticipated actions could also result from conveying and transferring the land tracts and their subsequent recipient uses.

Environmental restoration or remediation of the subject tracts potentially identified for conveyance and transfer would be the responsibility of DOE and are expected to be accomplished as currently considered by DOE in its plan entitled Accelerating Cleanup: Paths to Closure (DOE 1998) and similar plans. It is not anticipated that the cleanup efforts would differ much between the Proposed Action Alternative and the No Action Alternative, although there could be some areas of cleanup that may differ between the alternatives. These possible exceptions include the timing of some activities (cleanup of some tracts could be completed sooner under the Proposed Action Alternative than under the No Action Alternative); the decommissioning, decontamination, and demolition of buildings and structures currently in use; and some cleanup actions in flood plains. Therefore, most of the environmental restoration or remediation actions are not unique to the Proposed Action Alternative.

In considering the full suite of potential impacts that could result from DOE's action in implementing the conveyance and transfer of these parcels, DOE considered the planned uses of the land and the ensuing potential environmental impacts after the conveyance and transfer. Both the County and San Ildefonso Pueblo have expressed interest in pursuing uses of the parcels for the purposes established

by the Act in ways that are potentially different from the manner in which DOE has used the land. Therefore, the Conveyance and Transfer EIS analysis focuses on subsequent property development and use contemplated by the County and by San Ildefonso Pueblo (including their tenants or other third parties) that could only occur if DOE conveys and transfers the subject land tracts.

Preferred Alternative

In both the draft and the final Conveyance and Transfer EIS, the Preferred Alternative is identified as a subset of the Proposed Action Alternative by each tract. The Preferred Alternative would convey or transfer seven tracts in whole and three (Airport, TA-21, and White Rock Y) in part. In the Conveyance and Transfer EIS discussion of the Preferred Alternative, DOE identified the potential partial transfer of the White Rock Y Tract due to the developing proton radiography project, and the tract was considered as one of the tracts that would be conveyed in whole or in part by 2007. In this Record of Decision, DOE is conveying or transferring only part of the White Rock Y Tract because of the potential national security mission need. As specified in PL 105-119, the actual disposition of each tract, or portion of a tract, would be subject to DOE's need for the individual tract, or a portion of the tract, to meet a national security mission support function, which could range from either direct or indirect activity involvement. Additionally, the disposition of each tract, or portion of a tract, would be subject to DOE's completion of any necessary environmental restoration or remediation required.

While both of these suitability criteria were considered in the formulation of the Preferred Alternative, the national security mission support criteria has led DOE to the recognition that portions of three tracts (the White Rock Y, TA-21 Tract and the Airport Tracts) may not be available for conveyance or transfer within the 10-year period specified by PL 105-119 because of the operational needs of two facilities within TA-21 and the need for surrounding areas to be retained as security, health, and safety buffer areas.

DOE additionally recognizes with regard to five of the tracts (Rendija Canyon, DOE LAAO, DP Road, TA-74, White Rock) that meeting the conveyance and transfer criteria within the mandated 10-year time frame may not be possible for all portions of these tracts. For example, the current national security mission support functions that

are conducted on DOE LAO Tract and the DP Road Tract may require portions of the tracts to be retained for use beyond the 10-year time frame established by the Act, although this is considered to be unlikely. Similarly, there may be newly proposed activities at LANL facilities that could require the retention of portions of tracts for national security mission support reasons. One example of this is a proton radiography project that will be proposed for consideration through DOE's Fiscal Year 2002 budget request. DOE will evaluate this project over the next several months to determine whether to propose that the project should proceed. The project evaluation will include a NEPA analysis that considers various siting locations and engineering design controls and features, which will then be used to reach a project construction decision(s). Engaging in this project could result in an expanded security, health, and safety buffer area(s) being required that may intrude upon one or more of the tracts under consideration for disposal. Because the White Rock Y Tract is the nearest subject tract to one of the LANL locations that will likely be evaluated for the proton radiography project, DOE has reduced this tract to a partial status for disposition. Only essential areas will be retained, and the remainder of the tract will be conveyed or transferred. DOE will make every effort to minimize the portions of the tracts it retains.

In a like vein, some portions of the five tracts that have associated potential contamination issues may require restoration or remediation that could require more than the 10-year period established under the Act for completion of these actions. The LANL ER Project process, which includes input from stakeholders and approval by the Administrative Authority(ies), will proceed with the anticipation of completing the necessary environmental restoration and remediation actions by November 26, 2007, for all parcels except for TA-21. However, some tracts that have complex contamination issues will consume more time and resources, and be more expensive to complete cleanup because, for example, the cleanup technical strategy could change from those currently planned by the ER Project. Reaching agreement on the cleanup approach and conducting the necessary characterization and remedial action could take more time than anticipated in ER project plans. Thus, it may not be possible to complete the necessary actions within the allotted time frame.

The environmental impacts of the Preferred Alternative, based on the EIS,

would be expected to be less than those of the Proposed Action Alternative and greater than those of the No Action Alternative for each tract.

Environmentally Preferable Alternative

The Council on Environmental Quality, in its "Forty Most Asked Questions Concerning CEQ's NEPA Regulations," (46 FR 18026, 2/23/81) with regard to 40 CFR 1505.2, defined the "environmentally preferable alternative" as the alternative "that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources." After considering impacts to each resource area by alternative, DOE has identified the No Action Alternative as the environmentally preferable alternative. This Alternative was identified as having the fewest direct impacts to the physical environment and to cultural and historic resources. This is because tract disturbances would be at the lowest levels for the greatest number of acres under DOE's continued ownership, rather than under either the Proposed Action Alternative or the Preferred Alternative. Therefore the No Action Alternative would have the fewest impacts, and the Proposed Action would have the most.

Environmental Impacts of Alternatives

DOE analyzed the potential impacts that might occur for land resources; environmental restoration waste volumes; transportation; infrastructure requirements; noise; visual resources; socioeconomics; ecological resources; cultural resources; geological and soil conditions; water resources; air resources; global climate changes; human health; and environmental justice for each of the 10 tracts under the two different alternatives—No Action and Proposed Action. DOE considered the impacts that might occur from potential accidents associated with LANL operations on worker and residential populations that would be brought into closer proximity to LANL facilities. DOE considered the impacts of each contemplated land use associated with each alternative for each tract, the irreversible or irretrievable commitments of resources, and the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity. The EIS shows important differences in potential environmental

impacts among alternatives including: the potential for damage or degradation to ecological resources, including federally listed threatened or endangered species potential habitat areas, and to cultural and historic resources; land use changes; traffic volume changes; infrastructure requirements, including water use, electrical use, natural gas use, solid waste generation and disposal requirements and wastewater sewage generation, treatment and disposal needs, noise generation; changes to the visual character of the tracts; socioeconomic changes; surface water quality; air resource degradation; human health effects; and environmental justice impacts. A comparison of the impacts of the No Action Alternative and the impacts projected to result from implementation of the Proposed Action Alternative are discussed below for both direct and indirect impacts.

Direct Impacts

The potential direct impacts of the proposed conveyance and transfer of the subject tracts include those associated with the relocation of DOE operations and personnel who currently reside on the various tracts. DOE could move employees requiring relocation to existing buildings on other parts of LANL property, or could construct new buildings. These plans are not ripe for decision. Any decision regarding construction of new facilities would be preceded by appropriate NEPA review. There would be no difference in direct impacts between the Proposed Action and the No Action Alternatives in infrastructure, noise, visual resources, socioeconomics, geology and soils, water resources, or human health. The differences between the direct impacts of the Proposed Action and the No Action Alternatives in land use, transportation, ecological resources, cultural resources, and air resources are discussed by affected resource in the following paragraphs.

Under the No Action Alternative, no specific changes in direct impacts in land use are anticipated. Completion of environmental restoration activities, including decontamination, decommissioning, and possible demolition of DOE facilities may allow possible changes in future land use. Environmental restoration activities would proceed in accordance with existing and developing plans pursuant to the RCRA Corrective Action permit and DOE requirements. Worker impacts associated with environmental restoration activities cannot be projected at this time. Environmental restoration activities would be subject to their own

DOE NEPA review. Under the Proposed Action Alternative, no specific changes in direct impacts in land use are anticipated. In general, environmental restoration activities are independent of the conveyance and transfer process, but the conveyance and transfer scenarios may influence decisions on the timing, cleanup levels, and the inclusion of certain buildings in environmental restoration activities. The waste volume estimates would be approximately the same as for the No Action Alternative.

Under the No Action Alternative, no specific changes in direct impacts in *transportation* are anticipated. Under the Proposed Action Alternative, direct consequences of the conveyance and transfer of the tracts include small alteration of the overall daily commute. DOE and contractor personnel relocated from the DOE LAAO, TA-21, and DP Road Tracts would have to change their commuting routes. Some DOE and contractor personnel may have a shorter drive to work, such as those living in White Rock for example; but, most would have farther to travel.

Under the No Action Alternative, no specific changes in direct impacts to *ecological resources* are anticipated. Direct impacts of the Proposed Action Alternative are limited to the changes in responsibility for resource protection. Environmental review and protection processes and procedures for future activities could be different from those that are currently governing the subject tracts and may not be as rigorous. The LANL Threatened and Endangered Species Habitat Management Plan would no longer be in effect for those tracts occupied by or containing suitable habitat for endangered species.

Under the No Action Alternative, no specific changes in direct impacts to *cultural resources* are anticipated. Direct impacts of the Proposed Action Alternative are limited to the potential transfer of known and unidentified cultural resources and historic properties out of the responsibility and protection of DOE. Under the Criteria of Adverse Effects (36 CFR 800.5(a)(1)), the transfer, lease, or sale of resources eligible for listing on the National Register of Historic Places (NRHP) is an adverse effect. NRHP eligible resources are present on nine of the ten tracts, and would be directly impacted by the Federal action. The disposition of some of the subject tracts also may affect the protection and accessibility to Native American sacred sites or sites needed for the practice of traditional religion by removing them from consideration under the *American Indian Religious Freedom Act*, *Religious Freedom Restoration Act*, and Executive Order

13007, "Indian Sacred Sites." In addition, the disposition of the tracts could potentially affect the treatment and disposition of any human remains, funerary objects, sacred objects, and objects of cultural patrimony that may be discovered on the tracts, under the *Native American Graves Protection and Repatriation Act*.

Under the No Action Alternative, no specific changes in direct impacts in *air resources* or *global warming* are anticipated. Direct consequences of the Proposed Action Alternative include small alteration of the overall daily commute. As noted under the discussion of transportation, DOE and contractor personnel relocated from the DOE LAAO, TA-21, and DP Road Tracts would have to change their commuting routes. Some DOE and contractor personnel may have a shorter drive to work; but most would have farther to travel. This would result in slightly greater emissions.

Indirect Impacts

Indirect impacts are anticipated from the subsequent uses contemplated by the receiving parties for several of the 10 tracts (see Table S-3 at the end of this section). The receiving parties have identified a combination of contemplated uses for the tracts after conveyance or transfer. These uses include development of part or all of some of these tracts. Estimates of the development acreage reflect the best available information on the footprint of the contemplated developments. This acreage may include the redevelopment of disturbed land as well as the new use of relatively undisturbed areas. The EIS impact analysis assumes that these footprints represent an approximation of areas that would be developed but these estimates may not include all areas that would otherwise be disturbed. Likewise, the EIS does not quantify acreage estimates for land that may be disturbed or developed for land uses that include currently undefined improvements to utilities or recreational areas. These areas were qualitatively addressed in the impact analysis.

Under the No Action Alternative, no specific changes in indirect impacts in *land use* are anticipated. Under the Proposed Action Alternative, the potential indirect impacts include regional changes in land use, such as the development of forest, grazing, and open-space land for residential and commercial uses. Future land use patterns could change on several tracts. Approximately 826 acres (335 hectares) of the total acreage proposed for transfer and conveyance could be developed or redeveloped for other uses. There is the

potential for the introduction of land uses that would be incompatible with adjacent landowners' resource protection efforts. There may be loss of recreational opportunities currently enjoyed on some tracts. While cumulative impacts to land use affect only a small percentage of the total region, many of the anticipated impacts are concentrated in the vicinity of Los Alamos, LANL, and White Rock and therefore could appear substantial.

Under the No Action Alternative, no specific changes in indirect impacts related to *transportation* are anticipated. Under the Proposed Action Alternative, the conveyance and transfer of the tracts, commercial, industrial, and residential developments would greatly increase the number of vehicle trips. Peak-hour traffic entering or exiting 6 of the 10 tracts could increase by a range of approximately 751 to 3,775 trips. There could be a positive regional traffic impact in that more LANL employees could live in Los Alamos and reduce overall commuter traffic from other areas. Potential cumulative impacts related to regional transportation include substantial increases in overall regional and local traffic that would require improvements to traffic controls, new roads, road widening, and bridges. The anticipated impacts related to transportation would be expected to be concentrated near the Los Alamos townsite and the immediate LANL area.

Under the No Action Alternative, the electrical *infrastructure* will remain the same, which is already at the limits of its capacity, and it often exceeds system capacity. Under the Proposed Action Alternative, the total estimated increases in utility usage associated with the development of the tracts would be as follows: Electricity use—32 gigawatt-hours (gwh); Peak power: 6 megawatts (mw); Natural Gas: 459 million cubic feet (mcf) (13,000 million liters per year [mly]); Water: 382 million gallons per year (mgy) (1,446 mly); Solid Waste: 2,385 tons per year (tpy) (2,163 metric tons per year [mty]). Increases in discharges to wastewater treatment plants could be 132 mgy (500 mly) for the Bayo Wastewater Treatment Plant and 41 mgy (155 mly) for the White Rock plant. The increase in peak electricity demand is in addition to the already anticipated exceedance of the capacity of the electrical power system. Water usage demand is projected to exceed water rights. The natural gas delivery systems may have to be upgraded to handle the increased demand. The existing wastewater treatment capacity is expected to be exceeded. Solid waste production is expected to reduce the expected life of

the regional landfill. However, given the conservative assumptions used in the calculations and the phased approach in the development of the tracts, the actual utility usage may not reach capacity limits within the next 10 years.

Under the No Action Alternative, no specific changes in indirect impacts from noise are anticipated. Under the Proposed Action Alternative, ambient noise levels would be expected to increase above current levels for most of the contemplated land uses. Ambient noise levels associated with cultural preservation may decrease, and noise levels associated with natural areas would be expected to remain the same or increase slightly. Noise associated with transportation and utility corridors would remain the same or could increase with additional infrastructure construction and use. Demolition and construction activities would be expected to temporarily elevate noise levels on the tracts from the No Action Alternative levels to a range of 74 to 95 decibels (dB) on the A-weighted scale (dBA). Residential uses typically would result in ambient noise levels between 50 and 70 dBA depending on traffic, density, and location. Commercial and industrial land uses typically would result in 60 to 70 dBA. Noise would be present during a greater part of the day than currently on the tracts that are developed for residential, commercial, and industrial land uses. Overall noise from vehicular traffic would increase.

Under the No Action Alternative, no specific changes in indirect impacts on visual resources are anticipated. Under the Proposed Action Alternative, most of the tracts would maintain their current level of visual aesthetic value after conveyance and transfer and any subsequent development. However, the development of currently undeveloped areas, such as the Rendija Canyon and White Rock Tracts, would typically degrade the visual landscape. The reduction in visual quality would not be substantial on a regional scale, but local diminished viewsheds could impact resources important to maintaining a positive visitor experience on adjacent National Park Service lands.

Under the No Action Alternative, no specific changes in indirect impacts in socioeconomics are anticipated. Under the Proposed Action Alternative, short-term economic gains would be expected from employment due to construction activities for new development. Long-term gains would depend on the intensity and success of the development. Depending on the scenarios implemented, 320 businesses could be developed on the tracts, employing up to 6,080 workers and

generating a total of 8,957 jobs within the region of influence (ROI). As many as 2,360 residences could be placed on the tracts, increasing White Rock's and Los Alamos' population by 6,620 residents. Overall impacts to employment, income, population, and housing would be minor within the ROI, but would be concentrated in the Los Alamos area. Improvements would be expected in the Los Alamos County tax base but would probably not offset the loss of assistance payments, according to information provided by the County.

Under the No Action Alternative, no specific changes in indirect impacts in ecological resources are anticipated. Under the Proposed Action Alternative, development footprints for the 10 tracts include approximately 770 acres (312 hectares) of relatively undisturbed habitat, primarily ponderosa pine forest and pinyon-juniper woodland. Contemplated uses also would be expected to degrade large amounts of adjacent habitat, including preferred habitat for the American peregrine falcon and the Mexican spotted owl. Highly mobile wildlife would be forced to relocate to adjacent undeveloped areas. However, successful relocation may not occur due to increased competition for limited resources. For less-mobile species, direct mortality could occur during the actual construction or from habitat alteration. Habitat modification could affect several Federally-listed threatened and endangered species. Development in some tracts could result in direct loss of wetland structure and function with potential increased downstream and offsite sedimentation. The current lack of a natural resources management plan by either the County of Los Alamos or the San Ildefonso Pueblo would impede the development of an integrated, multiagency approach to short- or long-term natural resource management strategies. Additionally, transfer of the land tracts may result in a much less rigorous environmental review and protection review process for future activities because neither the County of Los Alamos nor the San Ildefonso Pueblo have regulations that would match the Federal review and protection process. Cumulatively, the development could result in fragmentation of habitat and disruption of wildlife migration corridors.

Under the No Action Alternative, no specific changes in indirect impacts in cultural resources are anticipated. Under the Proposed Action Alternative, the development of approximately 826 acres (335 hectares) and use of tracts for recreation could result in physical destruction, damage, or alteration of

cultural resources on the subject tracts and in adjacent areas and disturbance of traditional religious practices.

Under the No Action Alternative, no specific changes in indirect impacts in geology and soils are anticipated. Under the Proposed Action Alternative, soil would be disturbed by development, new road building, and utilities. Removal of vegetation and increased runoff from new impermeable surfaces could increase erosion. The cumulative impacts to geology and soils would not be substantial.

Under the No Action Alternative, no specific changes in indirect impacts in water resources are anticipated. Under the Proposed Action Alternative, supplies of groundwater would be reduced, potentially accelerating draw down of the main aquifer. Placement of new water supply wells could impact groundwater quality. New development could potentially degrade the surface water quality by increasing the pollutant loads and surface runoff volumes from construction activity, and by creating additional impermeable surfaces such as roads and parking lots.

Under the No Action Alternative, no specific changes in indirect impacts on air resources are anticipated. Under the Proposed Action Alternative, there would be increases in criteria pollutants from mobile sources and homes using natural gas or propane. Slight increases in emissions of hazardous air pollutants would be expected from the development of new industrial facilities. The current contributions to global climate change from the land tracts would increase more than 25-fold over the No Action Alternative due to motor vehicle traffic and residential use of fossil fuels. Additional use of artificial lighting could impact the visibility of the night sky.

Under the No Action Alternative, no specific changes in indirect impacts in human health are anticipated. Under the Proposed Action Alternative, as many as 900 new residents could be brought into closer proximity to LANL facilities at the DOE LAAO and DP Road Tracts, and another 2,200 residents and lodgers could be brought closer at the White Rock Tract. Commercial development could bring as many as 6,000 private-sector employees into existing one-half mile radiation site evaluation circles at the DP Road, TA-21, and Airport Tracts (these "circles" are discussed in Chapter 4, Section 4.2.12.2, Conveyance and Transfer EIS). While the maximally exposed individual doses would not increase, these developments would mean increased total population exposures to radiological and chemical emissions from normal LANL

operations and hypothetical accidents due to the closer proximity of people to emission sources. A substantial increase in the public collective radiation dose and latent cancer fatalities could result although the estimates of effects are calculated using very conservative methods and actual observable effects would be expected to be less than those estimated. Under normal operating conditions, development of the subject tracts would not be expected to contribute substantially to human health impacts in the area. The estimated number of excess latent cancer fatalities that could result from the reasonably foreseeable radiologic accidents (events that have an estimated frequency of less than one in a million per year) could maximally increase from about 57 to about 98 excess cancer fatalities. Development of the tracts by the recipients would involve construction with its attendant risks to workers. Should the development include industrial activities, these activities would involve commensurately greater worker risks.

There would be no *environmental justice* indirect impacts anticipated under the No Action Alternative. Under the Proposed Action Alternative, indirect impacts to traditional cultural properties (TCPs) potentially may cause disproportionately high or adverse effects on minority or low-income communities, but these effects cannot be determined at this point in the consultation process. As part of the comments received in the draft Conveyance and Transfer EIS, the Homesteaders of the Pajarito Plateau and legal counsel for the San Ildefonso Pueblo expressed the belief that the conveyance or transfer and contemplated uses would have additional adverse environmental justice impacts on their populations.

Comments on the Final Environmental Impact Statement

DOE distributed approximately 300 copies of the final CT EIS to Congressional members and committees, the State of New Mexico, various American Indian Tribal governments and organizations, local governments, other Federal agencies, and the general public. DOE did not receive comments on the final Conveyance and Transfer EIS.

Decision Factors

DOE's decisions under Public Law 105-119 are based on the lack of need for the tracts, in whole or in part, to support its national security mission requirements, and DOE's ability to conduct necessary environmental

restoration and remediation on portions of the tracts within the time frame established by the Act. There are currently three tracts (the TA-21 Tract, the LAAO Tract, and the DP Road Tract) that have structures that are occupied by activities that support DOE's mission responsibilities at LANL. Additionally, portions of the Airport Tract and the White Rock Y Tract are or may be needed to serve as health and safety buffer areas for LANL activities occurring both at TA-21 and elsewhere. With regard to environmental clean up, the Act states that the conduct of any needed environmental restoration or remediation be performed to the maximum extent practicable. DOE included in its decision the estimated cost of such actions and DOE's dedication of other resources to pursue these actions. Hence, DOE's decisions are based primarily in its mission responsibilities and the ability to perform environmental restoration activities in a timely and fiscally prudent manner.

Decisions

DOE has decided to implement the Preferred Alternative, which will allow for the conveyance and transfer of tracts of land, in whole or in part, in the near term and delay such conveyance and transfer of portions of tracts that either require environmental restoration or remediation activities, or that are being used or may be used for mission support activities before November 2007, the deadline established by the Act. DOE will pursue restoration and remediation activities, as well as relocation of workers and DOE mission support functions from the subject tracts, so that those portions so encumbered may be conveyed or transferred to the greatest extent practicable before November 2007. This alternative reflects DOE's efforts to meet the requirements of Public Law 105-119 to the best of its ability in a reasonable and prudent manner. It should be noted that the decisions in this Record of Decision will be reflected in DOE budget requests and management practices. However, the actual implementation of these decisions is dependent on DOE funding levels and allocations of the DOE budget across competing priorities.

For the tracts that are conveyed in part, DOE would continue to resolve outstanding national security mission support issues and contamination issues on the remaining portions of the tracts; so that conveyance or transfer of those portions could occur before the end of the 2007 deadline stated in the Act. DOE also may include deed restrictions, notices, and similar land use controls as

deemed appropriate and necessary that are protective of human health and safety.

For each of the ten tracts analyzed for conveyance and transfer, DOE's decisions are presented below:

The Rendija Canyon Tract consists of about 910 acres (369 hectares). The canyon is undeveloped except for the shooting range (the Sportsman's Club) that serves the local community; the shooting range is currently under lease from DOE to the community. DOE will convey or transfer the entire tract.

The DOE LAAO Tract consists of about 15 acres (6 hectares) within the Los Alamos townsite. The DOE LAAO Tract is partially occupied by the DOE LAAO Building that currently houses about 120 DOE staff and contractor staff personnel in support of DOE's mission responsibilities at LANL. DOE will convey or transfer the entire tract upon relocation of its activities.

The Miscellaneous Site 22 Tract is a small, Los Alamos townsite parcel located on the edge of the mesa overlooking Los Alamos Canyon. It consists of less than 0.5 acre (0.2 hectare) of disturbed land that is undeveloped and currently is used as an unsanctioned vehicle parking area. DOE will convey or transfer the entire tract.

The Miscellaneous Manhattan Monument Tract consists of less than 0.5 acre (0.02 hectare). The Manhattan Monument is a small, rectangular site located within Los Alamos County land and adjacent to Ashley Pond, where most of the first Los Alamos laboratory work was conducted. A small log structure occupies the site. DOE will convey or transfer the entire tract.

The DP Road Tract consists of about 50 acres (20 hectares). It is generally undeveloped except for the West section, which is occupied by two large buildings that support DOE's mission responsibilities at LANL; one is used for the LANL archive storage and one is used as a support contractor facility. DOE will convey or transfer the entire tract upon relocation of its activities.

The TA-21 Tract consists of about 260 acres (105 hectares) and is located east of the Los Alamos townsite. This occupied site is remote from the main LANL area; University of California workers occupy offices at the site, and LANL operations are conducted at facilities there. Specifically, the DP East section of the TA-21 Tract currently houses the Tritium Systems Test Assembly and the Tritium Sciences and Fabrication Facility. These two research facilities are needed for the national security mission. There is currently no formal plan to relocate them; however, DOE is in the early stages of assessing the

feasibility of relocating these operations to another facility within LANL. In any event, relocation of the tritium operations, decommissioning and decontamination of the buildings, and the necessary remediation and restoration for the whole tract will not be completed by 2007. At this time, DOE will only convey or transfer approximately 20 acres in the northwest section of the TA-21 Tract adjacent to the DP Road Tract.

The Airport Tract consists of about 205 acres (83 hectares), east of the Los Alamos townsite and near the East Gate Business Park. The Los Alamos Airport is located on the northern part of the tract, while other portions of the tract are undeveloped. Portions of the Airport Tract are needed to serve as health and safety buffer areas for the tritium activities within TA-21. At this time, DOE will only convey or transfer part of the tract, approximately 110 acres North of East Road. Should DOE shutdown its tritium activities at TA-21, DOE will reassess the need to retain any buffer areas and amend this Record of Decision, as needed.

The White Rock Y Tract consists of about 540 acres (219 hectares). It is undeveloped and is associated with the major transportation routes connecting Los Alamos with northern New Mexico. Portions of the White Rock Y Tract may be needed to serve as health and safety buffer areas for proposed LANL activities occurring elsewhere, such as the proposed proton radiography project, in support of the national security mission. In the Conveyance and Transfer EIS discussion of the Preferred Alternative, DOE identified the potential partial transfer of the White Rock Y Tract due to the developing proton radiography project, and the tract was considered as one of the tracts that would be conveyed in whole or in part by 2007. In this Record of Decision, DOE is only conveying or transferring only part of the White Rock Y Tract because of the potential national security mission need. At this time, DOE will only convey or transfer part of the White Rock Y Tract, approximately 125 (50 hectares) acres including the highway exchange and areas east of it. Should DOE's siting of the proposed proton radiography project not require a part of the White Rock Y Tract as a buffer area, DOE will reassess the need to retain any buffer areas and amend this Record of Decision, as needed.

The TA-74 Tract consists of about 2,715 acres (1,100 hectares). It is a large, remote site located east of the Los Alamos townsite and is largely undeveloped. DOE will convey or transfer the entire tract.

The White Rock Tract consists of about 100 acres (40 hectares). It is undeveloped except for utility lines, a water pump station, and a small building in use by the County. DOE will convey or transfer the entire tract.

Mitigation Measures

The Conveyance and Transfer Environmental Impact Statement included a discussion of mitigation measures both that are (a) within the scope of DOE's control and (b) those that DOE could recommend to the receiving parties. The following discussion outlines the mitigation measures that DOE will undertake to reduce the impacts of conveying and transferring the tracts and portions of tracts in accordance with the Preferred Alternative as outlined in this Record of Decision.

DOE Mitigations Prior to Conveyance or Transfer

Prior to conveyance or transfer of any of the land tracts, DOE will initiate cultural resource consultations with the affected Pueblos and tribal nations and the State Historic Preservation Office, and complete consultation regarding threatened or endangered species or their habitat with the U.S. Fish and Wildlife Service (USFWS). Consistent with the provisions of the Act, in the case of conveyance of land tracts to the County, DOE may include deed restrictions precluding any development within the 100-year flood plains or wetlands. DOE also may include other deed restrictions, notices, and similar land use controls as deemed appropriate and necessary that are protective of human health and safety. DOE will relocate any environmental monitoring stations after consultation with State regulators, as appropriate.

Recommended Mitigations With DOE Participation

DOE will engage in discussions, consultations, and similar planning activities with other organizations and land recipients. DOE will coordinate consultations with the New Mexico State Historic Preservation Office, the Advisory Council on Historic Preservation, the receiving parties, and other interested agencies and parties to ensure adequate consideration of impacts on cultural resources, as well as recreational resources (*e.g.*, historic trails), resulting from the conveyance and transfer of the subject tracts from the responsibility and protection of DOE. The goal of these consultations would be a formal Memorandum of Agreement (MOA) addressing the impacts of the potential loss of certain

cultural resource protections and DOE responsibilities on the subject tracts and defining specific procedures and responsibilities for managing cultural resource concerns upon transfer to the receiving parties. These could include covenants to be developed for the protection of various cultural resources.

Specific issues to be discussed include, but are not limited to: minimize impacts to cultural resources in and adjacent to the subject tracts from the loss of responsibility and protection of DOE by delegating cultural resources preservation responsibilities and developing a process that parallels existing protections and procedures; minimize the adverse effect of the transfer or conveyance of NRHP-eligible properties out of the responsibility and protections of DOE by including adequate restrictions or conditions to ensure preservation of the properties' significant historic features or collection of appropriate data concerning the properties; minimize potential impacts to historic buildings from the loss of DOE responsibility and protection by completing an appropriate identification and evaluation effort for historic buildings on the subject tracts; ensuring that NRHP-eligible buildings continue to be used (to the maximum extent feasible) and maintained in a manner that preserves their historical value; and exploring the reuse of other NRHP-eligible buildings for activities that must be relocated; minimize potential impacts to traditional cultural properties (TCPs) by completing consultations to identify the presence and importance of these resources within the subject tracts, identifying any potential impacts of conveyance or transfer on access to TCPs in adjacent areas, and exploring methods to avoid disturbance to TCPs and traditional users; minimize potential impacts from the loss of DOE protections and guarantees regarding the preservation of Native American sacred sites and the rights of Native Americans to practice traditional religions on the subject tracts under the American Indian Religious Freedom Act and Executive Order 13007, "Indian Sacred Sites," by allowing for the continuation of any traditional religious practices; minimize the potential impacts from the loss of DOE protection for archeological sites, the disposition of archeological materials and penalties for unauthorized excavation, vandalism, and trafficking of archeological materials; minimize the potential impacts from the loss of DOE responsibility for the protection and disposition of Native American sacred objects, objects of cultural patrimony,

and funerary objects under the Native American Graves Protection and Repatriation Act by establishing agreements outlining similar procedures for addressing the inadvertent discovery of Native American human remains or funerary objects and their disposition; provide for the loss of DOE responsibility for the curation of archaeological and cultural resource collections from these tracts under 36 CFR 79 by assigning these responsibilities and contracting for curation services; develop a natural resources management plan that is integrated and developed with the natural resources management plans of other adjacent land management agencies; continue involvement in the roles and responsibilities that have been established with the townsites of Los Alamos, County of Los Alamos, State of New Mexico, U.S. Department of Agriculture, Forest Service, for emergency response, including the notification processes for each of the response groups and mutual aid in the event of an emergency; explore the establishment of a proactive means toward developing future use options for transferred properties, in accordance with State law and the County Charter (participation in a Future Use Options Logistics and Support Working Group with the U.S. Forest Service, New Mexico Environment Department, U.S. Bureau of Land Management, Pueblos, and local citizens groups would be encouraged, as well as public involvement through the Citizens Advisory Board as instrumental steps in providing interim recommendations on future land use options); and coordinate with local jurisdictions, Native Americans, and State officials to explore methods to maintain a rigorous environmental review process for future development and other activities.

Potential Resource-Specific Mitigations

DOE outlined a variety of resource-specific mitigation issues in the Conveyance and Transfer EIS that are not within DOE's control. These mitigations are presented as recommendations for action by the recipients with the assistance of DOE as discussed in previous paragraphs. These recommendations are not discussed further herein.

Mitigation Action Plan

In accordance with 10 CFR 1021.331, DOE is preparing a Mitigation Action Plan that will identify specific actions needed to implement the mitigation measures identified that are within DOE's control and provide schedules for completion. These mitigation measures

represent all practicable means to avoid or minimize harm from the alternative selected.

Conclusion

DOE has identified environmental impacts, stakeholder concerns, and national policy concerns with regard to the actions required of it by Public Law 105-119, and, to the extent allowed by that Act, have considered these in its decisions regarding the conveyance and transfer of the subject land tracts. The analysis contained in the Conveyance and Transfer EIS is both programmatic and site specific in detail. It is programmatic from the broad perspective and site specific in the detailed tract activity analysis in as much as these are known. The impacts identified in the Conveyance and Transfer EIS were based on conservative estimates and assumptions. In this regard, the analyses bound the impacts of the alternatives evaluated in the Conveyance and Transfer EIS. The Preferred Alternative was defined to include activities to implement the requirements of the Act inasmuch as they are known at this time. This Conveyance and Transfer EIS and the analyses it contains can be used to support future land owner or administrator decisions.

In accordance with the provisions of NEPA, its implementing procedures and regulations, and DOE's NEPA regulations, DOE has considered the information contained within the Conveyance and Transfer EIS to the extent that this information could be incorporated under the requirements of Public Law 105-119. Being fully apprised of the environmental consequences of the alternatives and other decision factors described above, DOE has decided to convey and transfer all or parts of the subject tracts as described.

Issued at Washington, DC, March 8, 2000.

Thomas F. Gioconda,

Acting Deputy Administrator for Defense Programs, Department of Energy.

[FR Doc. 00-6504 Filed 3-16-00; 9:44 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford; Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory

Board (EM SSAB), Hanford Site. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, April 6, 2000: 9:00 a.m.–5:00 p.m.; Friday, April 7, 2000: 8:30 a.m.–4:00 p.m.

ADDRESSES: Red Lion Inn—Hanford House, 802 George Washington Way, Richland, WA, (509) 946-7611.

FOR FURTHER INFORMATION CONTACT: Gail McClure, Public Involvement Program Manager, Department of Energy Richland Operations Office, P.O. Box 550 (A7-75), Richland, WA, 99352; Ph: (509) 373-5647; Fax: (509) 376-1563.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Tri-Party Agreement (TPA)
 - Brief history and purpose of TPA;
 - Discussion of milestones (high level grouping) and identification of important milestones for the next 5 and 10 years (DOE and regulator perspectives); and
 - Implications for the future.
- Fiscal Year 2002 Budget
 - Overview of the FY 2000 and FY 2001 budgets; and
 - FY 2002 draft budget: overview of budget priorities and criteria, overview of the Office of River Protection (non-privatization) budget, and overview of the Richland budget.
- Update and Potential Sounding Board
 - Overview of 300 Area cleanup approach; and
 - Update on 618 Tritium plume.
- Updates
 - Briefing on offsite waste discussion;
 - Report from Tank Waste Treatment Ad Hoc Committee; and
 - K-Basins.

Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gail McClure's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided equal time to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to