

Section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act.

FOR FURTHER INFORMATION CONTACT: For further information and/or questions about the proposed action and DEIS, please contact Ms. Sharon Manzella Tirpak, Project Manager, by letter at U.S. Army Corps of Engineers, P.O. Box 1229, Galveston, Texas 77553, by telephone at (409) 766-3136, or by e-mail at Sharon.tirpak@usace.army.mil.

SUPPLEMENTARY INFORMATION: The Galveston District intends to prepare a DEIS on the proposed container terminal which would be located on Shoal Point, adjacent to the Texas City Ship Channel, Texas City, Galveston County, Texas. The City of Texas City (Texas City) proposes this project.

1. *Description of the Proposed Project:* Texas City is proposing the construction and operation of a container port facility located on Shoal Point, adjacent to the Texas City Channel and Galveston Bay. The project site is a dredge material disposal area for the Texas City Channel and the Port of Texas City. The Shoal Point project would be built in three phases, ultimately consisting of 400 acres of container yard, six berths, a new turning basin, a land side access corridor and the deepening of the existing Texas City Channel from 40 to 45 feet. An estimated 8 million cubic yards of new dredged material would be generated during Phase I. Potential total build-out of Phases II and III would include an additional 3.2 million cubic yards of new dredged material. Approximately 1.2 acres of emergent marsh, 10.3 acres of high marsh, 3.6 acres of fresh water wetlands and 92.4 acres of open water habitat would be impacted by the proposed project, during Phase I. Potential total build-out of Phases II and III may impact an additional 74 acres of open water habitat.

2. *Scoping and Public Involvement Process:* A scoping meeting to gather information on the subjects to be studied in detail in the DEIS will be conducted on October 3, 2000, at 7:00 PM, at the Charles Doyle Convention Center, 2010 5th Avenue North (21st Street and Phoenix Lane), Texas City, Texas. An informal open house, allowing for review of the proposed project and questions and answers, will be conducted between 5:00 and 7:00 PM, prior to the scoping meeting.

3. *Significant Issues:* Issues associated with the proposed facilities to be given significant analysis in the DEIS are likely to include, but may not be limited to, the potential impacts of the proposed dredging, the beneficial uses of dredged

material, placement of fill, impact of air quality during construction and operation of the facility and surface transportation facilities, and of induced developments on: wetland resources; upland and aquatic biotic communities; water quality, fish and wildlife values including threatened and endangered species; air quality; land forms and geologic resources; community cohesion; environmental justice; roadway traffic; socioeconomic environment; archaeological and cultural resources; recreation and recreational resources; public infrastructure and services; energy supply and natural resources; hazardous waste and materials; land use; aesthetics; public health and safety; navigation; flood plain values; shoreline erosion and accretion; and the needs and welfare of the people.

4. *Technical Review and Consultation:* Several State and Federal Agencies will be invited to provide technical review of the DEIS. Those agencies include: the Environmental Protection Agency, National Marine Fisheries Service, United States Fish and Wildlife Service, the United States Coast Guard, Federal Highways Administration, Texas Natural Resource Conservation Commission, Texas General Land Office and the Texas Department of Transportation.

5. *Additional Review and Consultation:* Additional review and consultation that will be incorporated into the preparation of this DEIS will include: Compliance with the Texas Coastal Management Program; protection of cultural resources under section 106 of the Historic Preservation Act; protection of navigation under the Rivers and Harbors Act of 1899; protection of water quality under section 401 of the Clean Water Act; and protection of endangered and threatened species under section 7 of the Endangered Species Act.

6. *Availability of the DEIS:* The Draft Environmental Impact Statement is projected to be available in September 2001. A Public Hearing will be conducted following the release of the DEIS.

Nicholas J. Buechler,
Col., EN, Commanding.
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DEPARTMENT OF EDUCATION

Rehabilitation Services Administration

AGENCY: Department of Education.

ACTION: Notice of Final Competitive Preference for Fiscal Year 2001 for the Rehabilitation Long-Term Training and Rehabilitation Continuing Education Programs.

SUMMARY: The Assistant Secretary for the Office of Special Education and Rehabilitative Services announces the additions of competitive preference points to the competitions for the Rehabilitation Long-Term Training and Rehabilitation Continuing Education programs for fiscal year 2001. This notice contains describes the additional competitive preference points.

EFFECTIVE DATE: This priority is effective on October 2, 2000.

FOR FURTHER INFORMATION CONTACT: Mary C. Lynch, U.S. Department of Education, 400 Maryland Avenue, SW, room 3322, Switzer Building, Washington, DC 20202-2649. Telephone: (202) 205-8291.

If you use a telecommunications device for the deaf (TDD) you may call the Federal Information Relay Service (FIRS) at 1-800-877-8399. Internet: Mary_Lynch@ed.gov. Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: This notice announces final competitive preference points under the Rehabilitation Long-Term Training and Rehabilitation Continuing Education programs. These programs are authorized under section 302 of the Rehabilitation Act of 1973, as amended.

On June 30, 2000 the Assistant Secretary published a notice of proposed competitive preference points for these programs in the **Federal Register** (65 FR 40615-40616).

Note: This notice of final competitive preference points does not solicit applications. A notice inviting applications under this competition is published in a separate notice in this issue of the **Federal Register**.

Analysis of Comments and Changes

In response to the Assistant Secretary's invitation in the notice of proposed competitive preference points, five parties submitted comments. An analysis of the comments and of the changes in the proposed competitive preference points follows. Technical and other minor changes—and suggested changes the Assistant Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Comment: Two commenters supported the proposed competitive preference points.

Discussion: None.

Change: None.

Comment: One commenter expressed a concern that the proposed competitive preference points duplicate existing peer review criteria.

Discussion: While the existing peer review criteria do overlap with the proposed competitive preference points, the selection criteria relating to outreach to employees with disabilities is included as a part of a much broader criterion that includes outreach to all underrepresented populations and general issues related to quality of project personnel. For this reason, under the current system, the impact of hiring people with disabilities on peer reviewer scores is negligible.

Change: None.

Comment: One commenter expressed concern about an increased burden on the part of an applicant to document past and current practices, including counting currently employed persons with disabilities as well as numbers of employees with disabilities employed in the past.

Discussion: The Assistant Secretary does not believe this constitutes an unreasonable burden, especially as such information is often reported by applicants in response to current selection criteria.

Change: None.

Comment: One commenter reported that the majority of long term training grants are directly related to student stipend support, with little support for recruitment, hiring and retention of staff. Therefore it places an additional burden on the applicant organization to hire people with disabilities with non-project funding.

Discussion: The Assistant Secretary believes that hiring of people with disabilities is good practice regardless of the source of funds used for staff.

Change: None.

Comment: One commenter challenged the need for the proposed competitive preference points, suggesting that the Department of Education should first assess the current degree to which grantees are recruiting and hiring persons with disabilities, and the degree to which they are having difficulties in doing so. Decisions on competitive preference points could be made based upon the results of that assessment.

Discussion: The Assistant Secretary believes that the need is self-evident, and there is no need for an elaborate assessment to document this need.

Change: None.

Comment: One commenter expressed concerns about accountability—for example, a project may hire or have strategies to hire people with disabilities, but not fulfill those strategies once they secure the grant.

Discussion: The points are only partially distributed based upon a plan or strategy to provide outreach and hire people with disabilities, not necessarily the success of their efforts. It is important to note that past efforts will likely have substantial influence on the actual number of points, if any, an applicant receives.

Changes: None.

Comment: Two commenters expressed concern that there may be inequities in the way in which applicants define an “individual with a disability” resulting in unfair application of the competitive preference points.

Discussion: The following ADA definition of an “individual with disability”, will serve as the basis for purposes of competitive preference points:

(i) Has a physical or mental impairment which substantially limits one or more of such person’s major life activities;

(ii) Has a record of such an impairment; or

(iii) Is regarded as having such an impairment.

Change: None.

Comment: Three commenters expressed concern about inequitable assignment of points—how the points will be applied—number of people with disability, full versus part time, on board versus proposed, position on the project, type of disability, etc? One of these commenters asked specifically about “bad timing” such as a case in which the organization has a good track record in hiring people with disabilities, but recently loses an employee with a disability. The commenter asks if this bad timing will result in a lower score.

Discussion: Peer reviewers will receive a thorough orientation as to the applicability of the points and how to assign them. As suggested in the notice of proposed competitive priority, it will focus primarily on past history of and strategies for hiring staff with disabilities, project staff and plans for outreach to hire additional staff.

Change: None.

Comment: Two commenters made note that it may be difficult to substantiate information on people with disabilities serving as project staff. For example, some people with disabilities prefer not to self disclose, and some university policies do not allow their

departments to require an applicant/employee to report a disability.

Discussion: Based upon experience with current and former grantees, the Assistant Secretary believes that substantiation will be a minor issue.

Change: None.

Comment: Two commenters expressed concerns over how to apply the points when compounded by other factors such as the ethnic composition of staff and veteran/nonveteran status.

Discussion: The sole factor addressed in the competitive preference points concerns disability. Other factors may be addressed elsewhere in the other selection criteria pertaining to a particular competition.

Change: None.

Comment: One commenter suggested alternative strategies for accomplishing the goal of hiring more people with disabilities by OSERS-funded projects, including revising the current scoring system to include this dimension and having RSA staff work with existing programs where needed.

Discussion: The Assistant Secretary agrees that these may be effective strategies as supplements to the proposed competitive preference points, and may consider them independent of the competitive preference points.

Change: None.

Comment: One commenter noted that there was no documented consultation with professional organizations in the formulation of the proposed competitive preference points or in the formulation of this final notice.

Discussion: While no consultation is required in the formulation of such notices, the notice of proposed competitive preference points is an opportunity to obtain comments and input from professional organizations and others on these matters.

Change: None.

Competitive Preference: The Assistant Secretary will use the selection criteria in 34 CFR 385.31, 386.20 and 389.30 to evaluate applications under this program. The maximum score for all the criteria is 100 points; however, the Assistant Secretary will also use the following criterion so that up to an additional ten points may be earned by an applicant for a total possible score of 110 points.

Within the Rehabilitation Long-Term Training and Rehabilitation Continuing Education program, we will give the following competitive preference under 34 CFR 75.105(c)(2)(i) to applications that are otherwise eligible for funding under the competitions.

Up to ten (10) points based on the extent to which an application includes

effective strategies for employing and advancing in employment qualified individuals with disabilities in projects awarded under the competition. In determining the effectiveness of those strategies, we will consider the applicant's prior success, as described in the application, in employing and advancing in employment qualified individuals with disabilities.

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Applicable Program Regulations: 34 CFR Parts 385, 386 and 389.

Program Authority: 29 U.S.C. 774.

(Catalog of Federal Domestic Assistance Number: 84.129 and 84.264, the Rehabilitation Long-Term Training, and Rehabilitation Continuing Education Program.)

Dated: August 25, 2000.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

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DEPARTMENT OF EDUCATION

[CFDA No.: 84.129L]

Rehabilitation Training: Rehabilitation Long-Term Training—Undergraduate Education in the Rehabilitation Services; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001.

Purpose of Program

The Rehabilitation Long-Term Training program provides financial assistance for—

(1) Projects that provide basic or advanced training leading to an academic degree in areas of personnel

shortages in rehabilitation as identified by the Assistant Secretary;

(2) Projects that provide a specified series of courses or program of study leading to award of a certificate in areas of personnel shortages in rehabilitation as identified by the Assistant Secretary; and

(3) Projects that provide support for medical residents enrolled in residency training programs in the specialty of physical medicine and rehabilitation.

Eligible Applicants: State and other public or nonprofit agencies and organizations, including Indian Tribes and institutions of higher education.

Deadline for Transmittal of Applications: October 16, 2000.

Deadline for Intergovernmental Review: December 18, 2000.

Applications Available: September 1, 2000.

Estimated Available Funds: The Administration has requested \$39,629,000 for the training program in fiscal year 2001, of which an estimated \$255,000 would be allocated for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process before the end of the fiscal year, if Congress appropriates funds for this program.

Estimated Range of Awards: \$65,000 to \$75,000.

Estimated Average Size of Awards: \$75,000.

Estimated Number of Awards: 3.

Maximum Award: Consistent with 34 CFR 75.104(b), it is the practice of the Assistant Secretary to reject any application that proposes a project funding level for any year that exceeds \$75,000 in any project year.

Reasonable Accommodation Language: The Assistant Secretary will consider, and may fund, requests for additional funding as an addendum to an application to reflect the costs of reasonable accommodations necessary to allow individuals with disabilities to be employed on the project as personnel on project activities.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Page Limit: Part III of the application, the application narrative, is where you, the applicant, address the selection criteria used by reviewers in evaluating the application. You must limit Part III to the equivalent of no more than 35 pages, using the following standards:

(1) A page is 8.5" x 11" on one side only with 1" margins at the top, bottom, and both sides.

(2) You must double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

If you use a proportional computer font, you may not use a font smaller than a 12-point font or an average character density greater than 18 characters per inch. If you use a nonproportional font or a typewriter, you may not use more than 12 characters per inch.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

If, in order to meet the page limit, you use print size, spacing, or margins smaller than the standards specified in this notice, we will not consider your application for funding.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, 86 and 99; and (b) The regulations for this program in 34 CFR parts 385 and 386.

Absolute Priority: Under 34 CFR 75.105(c)(3) and 34 CFR 386.1, the Assistant Secretary gives an absolute preference to applications that meet the following priority. The Assistant Secretary funds under this competition only applications that propose to provide training in the following area of personnel shortage: Undergraduate Education in the Rehabilitation Services.

Selection Criteria: The Assistant Secretary will use the selection criteria in 34 CFR 385.31 and 386.20 to evaluate applications under this program (These selection criteria will appear in the application package). The maximum score for all the criteria is 100 points; however, the Assistant Secretary will also use the following criterion so that up to an additional ten points may be earned by an applicant for a total possible score of 110 points.

Within the Rehabilitation Long-Term Training, we will give the following competitive preference under 34 CFR 75.105(c)(2)(i) to applications that are otherwise eligible for funding under this competition.

Up to ten (10) points based on the extent to which an application includes effective strategies for employing and advancing in employment qualified