

safety and the environment, comply with an international treaty, and carry out the mandate of the Congress. Non-stockpile chemical warfare materiel covered under this FPEIS includes: (1) Munitions containing chemical warfare agent or industrial chemicals, (2) chemical warfare agents or industrial chemicals contained in other than munitions configurations, and (3) chemical agent identification set items containing small quantities of pure or diluted agent used for training purposes. These items are currently buried and have the potential to be recovered at a number of locations in the United States and its territories and possessions. In addition, materiel has been recovered and is currently stored at several military installations throughout the United States.

**DATES:** Written public comments received within 30 days of the publication of the Environmental Protection Agency's Notice of Availability will be considered by the Army during final decision making.

**ADDRESSES:** Questions on the FPEIS or requests for copies of the document should be directed to: Program Manager for Chemical Demilitarization, ATTN: SFAE-CD-NP (Mr. John K. Giesecking/PEIS), Aberdeen Proving Ground, Maryland 21010-4005 or via e-mail at john.giesecking@pmcd.apgea.army.mil.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Giesecking at (410) 436-3768 or by fax at (410) 436-8737.

**SUPPLEMENTARY INFORMATION:** The Army has to decide whether it wants to complete development of transportable treatment systems and make the systems available for deployment in the field. The purpose of the FPEIS is to help the Army make this program-level decision with input from the public. The Army's Product Manager for Non-Stockpile Chemical Materiel has analyzed the potential environmental and socioeconomic consequences of two alternative courses of action in the FPEIS with respect to the Army's chemical demilitarization responsibilities. These alternatives are: (1) Completing development and testing of the transportable chemical treatment systems and making them available to be used where needed and appropriate to process non-stockpile chemical warfare materiel. Part of this alternative includes continuing to assess and evaluate the treatment potential of other technologies, methods, and processes, and (2) the no-action alternative, under which the Army would discontinue the development of the transportable treatment systems and continue to the

storage of non-stockpile chemical warfare materiel until other suitable technologies are developed.

The Army's preferred alternative based on information in this FPEIS is to complete development of transportable chemical treatment systems and make them available for deployment. Subsequent environmental reviews by the appropriate DoD authorities would address the impacts of actual deployment to specific locations before a decision to deploy would be made. While the no-action alternative was evaluated, it could lead to the United States violating the Chemical Weapons Convention timetable requirements for destroying currently stored non-stockpile chemical warfare materiel.

A series of public meetings were held at nine locations during the public comment period on the Draft PEIS to afford the public the opportunity to provide oral and written comments. These meetings were held in Alexandria, Louisiana; Anchorage, Alaska; Edgewood, Maryland; Huntsville, Alabama; Indianapolis, Indiana; Salt Lake City, Utah; San Antonio, Texas; Santa Rosa, California; and Tampa, Florida. Comments made at these meetings and written comments received during the comment period were used in preparing the FPEIS.

The most frequent concern expressed in public comments was in regard to the possible treatment of secondary wastes from the transportable systems in commercial incinerators. The Army is presently looking into possible options other than commercial incineration for treating wastes from the transportable systems. Implementing the preferred alternative does not preclude developing these non-incineration options.

Copies of the FPEIS can be obtained by calling the Public Outreach and Information Office of the Office of the Program Manager for Chemical Demilitarization at 1-800-488-0648 or (410) 436-3445; fax (410) 436-8737; or e-mail at john.giesecking@pmcd.apgea.army.mil. The FPEIS may be accessed at the following web site: <http://www-pmcd.apgea.army.mil/nscmp/index.html>.

Dated: April 30, 2001.

**Raymond J. Fatz,**

*Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), OASA(I&E).*

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**BILLING CODE 3710-08-M**

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Record of Decision for the Final Environmental Impact Statement for Shock Trial of WINSTON S. CHURCHILL (DDG 81)

**SUMMARY:** The Department of the Navy (Navy), pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 *et seq.*; the regulations implementing NEPA issued by the Council on Environmental Quality (CEQ), 40 Code of Federal Regulations (CFR) Parts 1500-1508; Navy regulations implementing NEPA procedures (31 CFR 775); and Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions"; hereby announces its selection of the area of the Atlantic Ocean offshore of Mayport Naval Station, Jacksonville, Florida for the WINSTON S. CHURCHILL shock trial. NEPA sets out the procedures Federal agencies must follow in analyzing environmental impacts of major Federal actions within U.S. territory. Executive Order 12114 sets out the procedures Federal agencies must follow in analyzing environmental impacts of major Federal actions occurring outside U.S. territory in the global commons or within the territory of another nation. The Navy was the lead agency and the National Marine Fisheries Service (NMFS) was a cooperating agency for the Environmental Impact Statement (EIS).

The WINSTON S. CHURCHILL will be shock tested in a manner consistent with the alternative "Shock Trial At An Offshore Location," described in the Final Environmental Impact Statement (FEIS) as the proposed action. The FEIS analyzed in detail three alternative offshore areas—Mayport, Florida; Norfolk, Virginia; and Pascagoula, Mississippi. The WINSTON S. CHURCHILL will be subjected to a series of up to four 10,000-pound explosive charge detonations sometime between May 1, 2001 and September 30, 2001, conducted at a rate of one per week to allow time to perform detailed inspections of the ship's systems.

The preferred alternative is to conduct a shock trial offshore of Mayport with mitigation to minimize risk to marine mammals and turtles. Although all three test areas meet minimum operational requirements, the Norfolk and Mayport test areas rank higher operationally, whereas the Pascagoula test area is significantly less suitable for supporting the shock trial. Environmentally, the risk of impacts to marine mammals and turtles is higher in the Norfolk test area,

and is lower, and about equal, at Mayport and Pascagoula. Therefore, considering all other aspects of the three candidate test areas to be about the same, conducting the shock trial at Mayport would meet the project purpose and need, satisfy operational requirements, and minimize environmental impacts. This Record of Decision leaves the selection of a single primary and two secondary test sites within the Mayport test area to be made based on aerial surveys of marine mammals and turtles done one to two days prior to the first detonation. This will ensure that the final test site selected for the shock trial poses the least possible risk to the marine environment.

### Background

WINSTON S. CHURCHILL (DDG 81) is the third ship in a new flight of 23 ARLEIGH BURKE (DDG 51) class guided missile destroyers referred to as the Flight IIA ships. Each new class of ship or major upgrade must be tested to assess the survivability of the hull and the ship's systems and the capability of the ship to protect the crew after a near miss from an underwater explosion.

Section 2366 of title 10, United States Code (10 USC 2366) requires realistic survivability testing of a covered weapon system to ensure the vulnerability of that system under combat conditions is known. Realistic survivability testing means testing for the vulnerability of the ship in combat by firing munitions likely to be encountered in combat with the ship configured for combat, commonly referred to as "Live Fire Test and Evaluation" (LFT&E). The Flight IIA destroyer is a covered system because it is a major weapon system upgrade and the Navy established an approved LFT&E program to complete the vulnerability assessment of Flight IIA ships as required by 10 USC 2366. The LFT&E program includes three major areas that together provide for a complete and comprehensive evaluation of the survivability of Flight IIA ships in a near miss, underwater explosion environment. These areas are computer modeling and analysis, component testing, and an at-sea ship shock trial. Computer modeling and component tests provide valuable information regarding the survivability of the ship. However, only the at-sea shock trial would provide the real-time data necessary to fully assess ship survivability. A shock trial is a series of underwater detonations that propagate a shock wave through the ship's hull under deliberate and controlled conditions. A shock trial assesses a

ship's survivability and vulnerability in combat situations by simulating near misses from underwater explosions. The Navy can then measure the effect of the shock wave on the hull, equipment, and personal safety features. This information is used to improve the shock resistance of the ship and follow-on ships of the class, thereby reducing the risk of crew injury.

### Alternatives

NEPA requires Navy to evaluate a reasonable range of alternatives for implementing a proposed Federal action. The alternatives evaluated in the FEIS were no-action and conducting a shock trial at one of three potential offshore locations. Alternative offshore areas for shock testing were compared from operational and environmental perspectives. A preferred alternative was identified based on these comparisons.

Under the "no action" alternative only the computer modeling and component testing already completed under the LFT&E would be used to evaluate survivability. The no action alternative was determined to not be a reasonable alternative because it would not provide the information and data necessary to assess the survivability of the ship as required by 10 USC 2366. Therefore the "no action" alternative was not included in the comparative analysis of alternatives.

The EIS analysis focused on alternative offshore locations for a shock trial. The WINSTON S. CHURCHILL will be homeported on the East coast. Therefore, based on PERSTEMPO (Navy personnel tempo regulations requiring a ship to spend a day in homeport for every day away from homeport for crew quality of life and efficiency) considerations, offshore areas other than the East and Gulf coasts were eliminated from consideration. The Navy screened possible East Coast and Gulf of Mexico shock testing areas according to the following operational criteria: PERSTEMPO; proximity to a Naval Station with homeported ships; proximity to a Naval Air Station or other military airbase for aircraft and helicopters; proximity to a Naval Station support facility; proximity to a ship repair facility; proximity to an ordnance loading station; ship traffic; and weather and sea state. A detailed analysis concluded that three test areas could operationally support the shock trial—Mayport, Florida; Norfolk, Virginia; and Pascagoula, Mississippi. Operationally, the Norfolk and Mayport test areas rank higher and are about equal, whereas the Pascagoula test area ranks lower and is

significantly less suitable for supporting the shock trial.

Potential environmental impacts of conducting a shock trial at the Mayport, Norfolk, and Pascagoula test areas were analyzed in the Environmental Consequences section of the FEIS. Most environmental impacts of the shock trial would be similar at Mayport, Norfolk, or Pascagoula. However, the three areas differ significantly with respect to potential impacts on marine mammals and sea turtles. Overall, based on the best available scientific data, the risk of mortality and injury to marine mammals and turtles would be higher at Norfolk and lower, and about equal, at Mayport and Pascagoula. Considering all components of the physical, biological, and socioeconomic environment, potential impacts would be less at Mayport or Pascagoula than at Norfolk.

### Environmental Impacts

Potential environmental impacts of conducting a shock trial at the Mayport, Norfolk, and Pascagoula test areas are analyzed in the FEIS. The analysis demonstrated that most environmental impacts of the shock trial would be less than significant and were similar at Mayport, Norfolk, or Pascagoula. However, the three areas differ with respect to potential significant impacts on marine mammals and sea turtles.

Potentially significant direct impacts on marine mammals include mortality, injury, and disruption of hearing-based behaviors. Most marine mammals would be detected during pre-detonation aerial surveys, surface observations, and passive acoustic monitoring, minimizing the risk of death or injury. Application of mitigation measures would further reduce risk by allowing selection of a test site with low densities of marine mammals within each of the three test areas. Even with these mitigation measures, there are differences in risk levels among the three test areas due to differences in area-wide marine mammal densities and species composition. Overall, the risk to marine mammals would be higher at Norfolk and lower and about equal at Mayport and Pascagoula.

Potential impacts to sea turtles also include mortality, injury, and disruption of hearing-based behaviors. At Mayport, Norfolk, or Pascagoula, mitigation methods would result in selection of a test site with low densities of sea turtles. However, there are differences in risk among the three areas due to differences in sea turtle densities. Overall, the results indicate that the risk to turtles would be higher at Norfolk

and lower but about equal at Mayport and Pascagoula.

Considering all components of the physical, biological, and socioeconomic environment, potential impacts would be less at Mayport or Pascagoula than at Norfolk.

### Mitigation

A detailed Marine Mammal and Sea Turtle Protection/Mitigation Plan is presented in the FEIS. The plan includes the same type of mitigation and monitoring efforts that were used successfully during the shock trial of USS JOHN PAUL JONES in 1994 off the coast the southern California where marine mammal population densities are significantly greater than at the Mayport, Norfolk, or Pascagoula test areas. No deaths or injuries of marine mammals were detected during the USS JOHN PAUL JONES shock trial. The mitigation plan for the shock trial would avoid impacts and minimize risk to marine mammals and sea turtles in three ways:

*Site selection.* Initial, general site selection would be based on operational requirements and surveys. Within the test area selected for the shock trial, aerial surveys would be conducted and satellite imagery would be analyzed to select a small test site having low densities of marine mammals and turtles.

*Pre-detonation monitoring.* Prior to each detonation, aerial and shipboard observers would search for marine mammals and turtles at the selected test site. Passive acoustic surveys would also be used to detect marine mammal calls. If any marine mammal or sea turtle were detected within the Safety Range (a 2 nm radius around the detonation point), testing would be postponed. Testing would also be postponed if large.

*Sargassum rafts, debris lines, or jellyfish concentrations* (indicators that turtles may be present) were detected in the Safety Range, or if flocks of seabirds or large fish schools were detected within 1 nm of the detonation point. Postponement would also occur in certain circumstances when a marine mammal or turtle is detected in a Buffer Zone extending from 2 to 3 nm from the detonation point. Detonation would not occur until monitoring indicated that the Safety Range is clear of detectable marine mammals, sea turtles, large *Sargassum* rafts and debris lines, and large concentrations of jellyfish.

*Post-detonation monitoring.* After the explosion, aerial and shipboard observers would survey the test site. A Marine Animal Recovery Team led by a marine mammal veterinarian would

document and attempt to recover any dead animals and monitor any animals that appear to be injured. If the survey showed that marine mammals or turtles were killed or injured or if any marine mammals or turtles are detected in the Safety Range immediately following a detonation, testing would be halted until procedures for subsequent detonations could be reviewed and changed as necessary. Communications with stranding network personnel would be maintained throughout the shock trial period.

### Coordination and Consultation with the NMFS

Because the NMFS has jurisdiction by law with respect to issues related to endangered species and marine mammals, the NMFS acted as a cooperating agency on the EIS. In addition to a review and comment role, the NMFS had two regulatory roles relative to the proposed shock trial. First, the NMF is responsible for administering the Endangered Species Act as it applies to listed sea turtles and marine mammals. The DEIS served as the Biological Assessment which the Navy submitted to the NMFS, requesting formal consultation under Section 7 of the Endangered Species Act (ESA), (16 USC 1531 *et seq.*). The NMFS subsequently issued a Biological Opinion, dated October 10, 2000, which completed the consultation process under ESA. The NMFS also has a regulatory role under the Marine Mammal Protection Act (MMPA) (16 USC 1361 *et seq.*) When the DEIS was published, the Navy submitted a separate application to the NMFS for an "incidental take authorization" under section 101(a)(5)(A) of the MMPA. The NMFS published a Proposed Rule in the **Federal Register** on December 12, 2000 (65 FR 77546). The Proposed Rule specified mitigation, monitoring, and reporting requirements for the shock trial. A Final Rule must be issued by NMFS before the shock trial can proceed.

### Comments Received on the FEIS

After the FEIS was distributed to the public for a 30-day review period ending on March 26, 2001, the Navy received one comment letter. Environmental Protection Agency commented that with properly executed mitigation as discussed in the EIS, that Mayport represents the best compromise among the three testing locations.

### Conclusion

Shock testing the WINSTON S. CHURCHILL in an area offshore of Mayport, Florida is the alternative that

best meets the project purpose and need, satisfies operational criteria, and minimizes environmental impacts. Potentially significant direct impacts resulting from the test include mortality, injury, and acoustic harassment of marine mammals and sea turtles. While numbers have been calculated to define the potential lethal, injurious, and harassment take that might occur, it is expected that the mitigation and monitoring program will minimize the risk to marine mammals and sea turtles.

The "No Action" alternative would avoid all environmental impacts of a shock trial and is the environmentally preferred alternative. It does not, however, support the development of the best assessment of the survivability characteristics of the ship.

Dated: April 27, 2001.

**Paul A. Schneider,**

*Assistant Secretary of the Navy, (Research, Development and Acquisition) (Acting).*

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## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before July 3, 2001.

**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, Regulatory 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,