

- 3. Additional Quantitative Noise Analysis
- 4. Quantitative Noise Analysis for the Core and Cherry I MOAs
- I. MCAS New River Instrument Landing System.
- J. Camp Davis Operations
- K. Environmental Justice In Minority Populations and Low-Income Populations

FOR FURTHER INFORMATION OR TO OBTAIN A COPY OF THE ADDENDUM: Contact Major Craig Jensen at (910) 451-9517. Written comments should be sent to Major Craig Jensen, Eastern Area Counsel Office, 67 Virginia Dare Dr., Suite 206, Camp Lejeune, NC 28547, and must be received by 4:00 pm, August 11, 1997.

Dated: July 3, 1997.

D.E. Koenig, Jr.,

LCDR, JAGC, USN, Alternate Federal Register Liaison Officer.

[FR Doc. 97-17943 Filed 7-8-97; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Disposal and Reuse of Naval Base Philadelphia, Pennsylvania

SUMMARY: The Department of the Navy (Navy), pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, and the regulations of the Council on Environmental Quality that implement NEPA procedures, 40 CFR Parts 1500-1508, hereby announces its decision to dispose of Naval Base Philadelphia, Pennsylvania. The Naval Base property is composed of Naval Station Philadelphia and the Philadelphia Naval Shipyard.

Navy intends to dispose of the property in a manner that is consistent with the Community Reuse Plan for the Philadelphia Naval Base and Shipyard ("Reuse Plan") submitted on November 22, 1994, by the City of Philadelphia, the Local Redevelopment Authority (LRA) for the Naval Base. The Reuse Plan proposes a mix of industrial, commercial, educational, research and development, residential, warehousing, intermodal transportation and open space uses of the property.

In its Final Environmental Impact Statement (FEIS), Navy evaluated a "No action" alternative and three "action" alternatives: the Reuse Plan, described in the FEIS as the preferred alternative; the Mustin Field Retail Alternative; and the Mustin Field Natural Area Alternative.

In deciding to dispose of the Naval Base, Navy has determined that the Reuse Plan will meet the goals of

achieving local economic redevelopment of the closing facilities and creating new jobs, while limiting adverse environmental impacts and ensuring land uses that are compatible with adjacent property. This Record of Decision leaves selection of the particular means to achieve the proposed redevelopment to the acquiring entity and the local zoning authority.

BACKGROUND: The 1991 Defense Base Closure and Realignment Commission recommended closure of the Naval Station and the Capehart Housing that was associated with the Naval Base. The 1991 Commission also recommended closure and preservation of the Naval Shipyard for emergent requirements and retention of the Naval Foundry and Propeller Center, the Naval Inactive Ships Maintenance Facility, and the Naval Surface Warfare Center's (Carderock Division) Ship Systems Engineering Station. These recommendations were approved by President Bush and accepted by the One Hundred Second Congress in 1991.

The 1995 Defense Base Closure and Realignment Commission modified the 1991 Commission's recommendation by eliminating the direction to preserve the Naval Shipyard for emergent requirements. The 1995 Commission's recommendation was approved by President Clinton and accepted by the One Hundred Fourth Congress in 1995.

Navy will also retain at the Naval Base certain other support activities, including a Detachment of Public Works Center Norfolk, the League Island Branch Clinic of National Naval Medical Center Bethesda, and a Detachment of the Fleet and Industrial Supply Center Norfolk. The designated Naval activities closed in September 1996, and the property has been in caretaker status since that date.

The Naval Base is located at the confluence of the Delaware and Schuylkill Rivers on League Island, four miles south of the central business district of the City of Philadelphia. All of the Naval Base properties are situated on League Island except the Capehart Housing, which is located one mile northwest of the Naval Base.

The Naval Base occupies about 1,500 acres on League Island, and the nearby Capehart Housing is situated on about 28 acres of land. There are approximately 545 structures containing more than 11 million square feet of floor space at the Naval Base. The western half of the Base is more developed and contains facilities associated with the maintenance and production operations of the Naval Shipyard as well as five

drydocks. The eastern half is less developed and contains the inactive Mustin Field that served the former Naval Aircraft Factory.

Administrative and support facilities, the Bachelor Enlisted Quarters and Officers' and the Reserve Basin where inactive Naval vessels are moored occupy the center of the Base. The property north of the Reserve Basin contains warehouses, the brig, industrial support facilities, the fire fighting school, and open storage areas. Senior Officers' houses are located along the Delaware River waterfront east of the pier area.

Navy published a Notice of Intent in the **Federal Register** on December 28, 1994, announcing that Navy would prepare an Environmental Impact Statement that would analyze the impacts of disposal and reuse of the land, buildings and infrastructure at the Naval Base. A thirty-day public scoping period was established, and Navy held a public scoping meeting on January 11, 1995, at the South Philadelphia Community Center.

On January 30, 1996, Navy distributed a Draft Environmental Impact Statement (DEIS) to Federal, State and local agencies, interested parties and the general public. Navy held a public hearing at the South Philadelphia Community Center on February 15, 1996, to discuss the DEIS. During the forty-five day review period after publication of the DEIS, Federal, State, and local agencies submitted written comments concerning the DEIS. These comments and Navy's responses were incorporated in the Final Environmental Impact Statement, which was distributed to the public on June 21, 1996, for a thirty-day review period that concluded on July 22, 1996. Navy received comments on the FEIS from the Department of the Interior, two Pennsylvania State agencies, Health Alternatives International, Inc., the Philadelphia International Development Group, and one individual.

ALTERNATIVES: NEPA requires Navy to evaluate a reasonable range of alternatives for the disposal and reuse of this Federal property. In the NEPA process, Navy analyzed the environmental impacts of various proposed land uses that would result from disposal of the Naval Base property. Navy also evaluated a "No action" alternative that would leave the property in a caretaker status with Navy maintaining the physical condition of the property, providing a security force and making repairs essential to safety.

Navy relied upon the land uses described in the Reuse Plan as the basis

for its analysis of the preferred "action" alternative, which proposed a medium intensity development of the Base. Navy developed and analyzed two other "action" alternatives characterized by high and low intensity development scenarios.

The first "action" alternative, the Reuse Plan, divides the Naval Base property into five areas. First, the Shipyard, located in the western part of the Naval Base, would serve as the core area for manufacturing and heavy industrial activities. The western end of the Shipyard, containing Drydocks 3, 4, and 5 and associated buildings, would be redeveloped as a private shipyard with controlled public access. The eastern end of the Shipyard, containing Drydocks 1 and 2, would be redeveloped to permit those industrial activities that require contact with the public.

Second, the League Island Center, located east of the Shipyard area between Broad Street and Mustin Field, would support a mix of land uses including administrative and educational, research and development, commercial and recreational and light industrial activities. The uses in this area would include administrative and professional offices, educational institutions, light industrial activities associated with research, bed and breakfast lodging, and restaurants.

Third, the Girard Point Industrial Park, located in the northwestern part of the Naval Base, would support the property's industrial activities by providing facilities for storage and large scale distribution of materials.

Fourth, the East End Commerce Park, located at the eastern end of the Naval Base on the former Mustin Field, would support a mix of land uses including transportation, light and heavy industrial operations, research and development, and recreational activities. These uses could include an intermodal railyard, warehousing, a waterfront esplanade, and passive recreation spaces.

Fifth, the 400-unit Capehart Housing property, located about one mile northwest of the Naval Base, would be converted to private, market rate housing. After redevelopment, these houses would be sold. The net proceeds from the sale would be used to capitalize a Rental Assistance Endowment Fund that would provide rental assistance and other support services to the City's homeless assistance providers.

The second "action" alternative, the Mustin Field Retail Alternative, proposed a high intensity reuse of the Naval Base. Redevelopment of the

Shipyard, League Island Center, Girard Point Industrial Park and Capehart Housing would proceed as proposed in the Reuse Plan, but the eastern end of the Naval Base would be redeveloped differently. A commercial services zone featuring a regional shopping complex would be developed on about 300 acres at Mustin Field. This complex would be composed of a retail mall with approximately two million square feet of space, specialty stores and restaurants, an entertainment complex, warehouses, and centrally located parking and access facilities.

The third "action" alternative, the Mustin Field Natural Area Alternative, proposed a lower intensity reuse of the Naval Base. As in the second alternative, redevelopment of the Shipyard, League Island Center, Girard Point Industrial Park and Capehart Housing would proceed as proposed in the Reuse Plan, but the eastern end of the Naval Base would remain undeveloped. The concrete runways of Mustin Field would be allowed to deteriorate naturally, and existing vegetation would be permitted to grow with little or no maintenance. The enlisted family housing along the Delaware River at the eastern end of the Naval Base would be demolished. The Mustin Field Natural Area Alternative also proposed a recreational zone consisting of a waterfront visitors' center and esplanade along the Delaware River. This Natural Area would be fenced to prevent illegal dumping and other inappropriate uses.

ENVIRONMENTAL IMPACTS: Navy analyzed the potential impacts of the "No action" and three "action" alternatives for their effects on land use compatibility, socioeconomic, public services, transportation, air quality, noise, cultural resources, natural resources, and generation of hazardous materials. This Record Of Decision focuses on the impacts that would likely result from implementation of the Reuse Plan.

The Reuse Plan's proposed use of land would be consistent and compatible with the existing uses of adjacent land in South Philadelphia, because the area around the Naval base contains primarily industrial activities. The Reuse Plan's proposal for redevelopment of the Capehart Housing would not have any adverse impact, because this property would continue to be used for housing.

The Reuse Plan would not result in any significant adverse socioeconomic impacts. Indeed, the Plan forecasts new direct employment opportunities in the range of 15,700 jobs and secondary employment of more than 20,000 jobs.

The Reuse Plan projects that, at full build-out, the property will generate wage tax revenues of about \$21.5 million and real property tax revenues of about \$19.2 million.

Under the Reuse Plan, the City will sell the Capehart Housing on the open market. The release of these housing units could have an adverse impact on real estate property values in South Philadelphia. Thus, to mitigate this impact, the City will develop a phased marketing plan that would not cause a decrease in property values in the surrounding neighborhoods.

The Reuse Plan would not cause any significant adverse impact on community services. It will be necessary to expand the service area for South Philadelphia emergency and medical service providers, but the response times will remain within five to ten minutes.

Implementation of the Reuse Plan would generate an increase in traffic. There would be 10,395 more peak morning trips and 12,417 more peak afternoon trips than would be expected under the "No action" alternative. Additionally, the Plan would have various impacts on traffic in the surrounding roadway network during commuting periods.

In response, the City has proposed to change traffic patterns for the following intersections: Interstate Highway 95 (North) at Broad Street; Interstate Highway 95 (South) as Broad Street; and Penrose Avenue at 26th Street. The City has also proposed to build two new access points to the Naval Base at Christopher Columbus Boulevard and at Darien Street. Nevertheless, the intersection of Interstate Highway 95 and Broad Street and the intersection of Packer Avenue and Darien Street would experience significant increased traffic that will require roadway improvements beyond those already identified by the City.

The Reuse Plan would not result in any significant impacts to air quality. As a result of the projected increase in traffic, carbon monoxide levels would be higher from activities in the Reuse Plan than in the "No action" alternative. There would not, however, be any violations of the one-hour and eight-hour National Ambient Air Quality Standards for carbon monoxide.

There would not be any significant impacts from noise. The existing noise levels on the property are dominated by industrial activities. The existing noise levels in nearby residential and recreational areas are high and typical of urban neighborhoods. While the Reuse Plan would slightly increase noise levels along Pattison Avenue at

Roosevelt Park and along parts of Broad Street during peak traffic hours, most areas would experience noise increases that would be barely perceptible. Measured against the levels identified as acceptable in Section 10-400 of the Philadelphia Municipal Code, the noise levels generated by the Reuse Plan are not significant.

There are two historic districts that are eligible for listing on the National Register of Historic places. These two districts are located in the western part of the Naval Base. The Reuse Plan would adversely affect buildings in this historic districts. Accordingly, on March 23, 1997, Navy, the Pennsylvania State Historic Preservation Officer, and the Advisory Council on Historic Preservation entered into a Programmatic Agreement (PA) concerning these structures. The PA establishes a framework for applying restrictive covenants that require consultation between the owner of the Naval Base property and the Pennsylvania State Historic Preservation Officer before demolition or alteration of historic buildings and structures and before alteration of the historic districts. The City of Philadelphia concurred with this Agreement on April 8, 1997.

No significant impact on biological resources would result from the Reuse Plan. The Naval Base has been fully developed, and few natural features remain. While some vegetative areas would be lost in the redevelopment, the habitat loss is not unique to the Naval Base and can readily be found elsewhere along the Delaware River.

There are two endangered species that are listed on the Federal endangered species list and present at the Naval Base. A pair of peregrine falcons nest in the Interstate Highway 95 bridge that crosses the Naval Base, and the shortnose sturgeon has been observed in the Delaware River. Navy has informally consulted with the United States Fish & Wildlife Service and will place a Notice in the conveyance document that describes actions recommended by the Department of the Interior to minimize impacts to the nesting falcons. Similarly, Navy will place a Notice in the conveyance document that the shortnose sturgeon may be present in the Delaware River.

The eastern end of the Naval Base contains about 26 acres of freshwater wetlands. The Reuse Plan's proposed construction of an intermodal railyard, industrial facilities, and warehouses may disturb or eliminate these wetlands. Thus, the acquiring entity will be required to obtain permits from the United States Army Corps of Engineers and the Pennsylvania

Department of Environmental Protection in accordance with Section 404 of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. 1344, and from the Pennsylvania Department of Environmental Protection in accordance with the Regulations Governing Dam Safety and Water Management, 25 Pa. Code Section 105 *et seq.* The stringent requirements of these laws should provide adequate mitigation for the loss of wetlands.

About 90 percent of the Naval Base property lies within the 100-year floodplain. The remaining 10 percent lies between the 100-year and 500-year floodplains. Therefore, any construction arising out of implementation of the Reuse Plan would likely affect the floodplain. Much of the Naval Base is already developed with waterfront industrial uses that have been active for more than 100 years. Nevertheless, in accordance with Executive Order 11988, Floodplain Management, dated May 24, 1977, Navy will place a Notice in the conveyance document that describes those uses that are restricted under Federal, State, and local floodplain regulations.

Implementation of the Reuse Plan would not result in any significant impacts on surface waters. All new construction and any alteration of land must conform to the treatment and runoff control requirements of the Pennsylvania Department of Environmental Protection as set forth at 25 Pa. Code Section 102.4. Additionally, under FWPCA, 33 U.S.C. 1251 *et seq.*, any new source of wastewater discharge would be required to comply with the National Pollutant Discharge Elimination System Program.

Historically, large quantities of hazardous waste were generated at the Naval Base. As a consequence, fifteen Installation Restoration sites have been established and are undergoing study or cleanup. Navy is responsible for remediating these sites. Other hazardous waste cleanup and remediation actions, including the closure or removal of underground storage tanks, abatement of friable and accessible asbestos, and removal of PCB transformers, are also underway throughout the Naval Base.

No significant adverse impacts would be caused by the hazardous materials and hazardous waste that may be generated by the Reuse Plan. Those Navy activities that will remain on the Naval Base will generate less hazardous substances than when the Shipyard was fully operational. The nature and amount of hazardous waste that would result from implementation of the Reuse Plan depends upon the nature and extent of future redevelopment at the

Naval Base. Those whose use hazardous materials will be subject to inspection by the Philadelphia Fire Department in accordance with the Worker and Community Right-to-Know Act, 35 P.S. Section 7312, and will be required to submit information concerning their use of hazardous materials by the Pennsylvania Department of Environmental Protection's regulations, set forth at 34 Pa. Code Section 301 *et seq.*

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

MITIGATION: Implementation of Navy's decision to dispose of the Naval Base does not require Navy to perform any mitigation measures. The FEIS identified and discussed the actions that would be necessary to mitigate impacts associated with reuse and redevelopment. The acquiring entity, under the direction of Federal, State and local agencies with regulatory authority over protected resources, will be responsible for implementing necessary mitigation measures. The historic property will be protected by the use of restrictive covenants in the deed conveying the property.

COMMENTS RECEIVED ON THE FEIS: In response to the FEIS, Navy received comments from the United States Department of the Interior, the Pennsylvania Game Commission, the Pennsylvania Human Relations Commission, Health Alternatives International, Inc., the Philadelphia International Development Group, and one private citizen.

The Department of the Interior expressed concern about the protection of wetlands, loss of habitat, and public access for recreational use of the Naval Base. Interior also favored the Mustin Field Natural Area Alternative. Navy will place a Notice in the conveyance document identifying the location and extent of wetlands that exist on the Naval Base.

The Pennsylvania Game Commission expressed concern about the potential effect on the peregrine falcon arising out of reuse of the Naval Base. Navy will place a Notice in the conveyance

document describing the Department of the Interior's recommendations for minimizing impacts on the nesting falcons.

In its comment on the DEIS, the Pennsylvania Human Relations Commission asked Navy to address methods of monitoring compliance with civil rights laws in the future marketing of the Capehart Housing. The Commission's comment on the FEIS stated that Navy had adequately addressed this issue.

Health Alternatives International, Inc. asked that the acquiring entity convert a building for use as a center for volunteers who would coordinate educational outreach to the community. It also requested continued operation of the child care center and recreational facilities. Navy has provided these requests to the Local Redevelopment Authority for its consideration.

A private entity, the Philadelphia International Development Group (PIDG), suggested that the eastern part of the Base should be redeveloped as a mixed use property that would provide commercial, retail, entertainment and manufacturing activities similar in nature, extent, and impact to the Mustin Field Retail Alternative. Navy also provided PIDG's proposal to the LRA for its consideration.

One private citizen expressed concern about the effects of reuse and redevelopment on community and emergency services in South Philadelphia. This citizen was also concerned about the traffic congestion that could occur during a "triple event", described as simultaneous public events at three nearly athletic facilities, *i.e.*, Veterans Stadium, the Spectrum, and the Core States Center. Navy concluded that there is sufficient response time and that there are adequate facilities for reasonably foreseeable emergencies. Additionally, the City regards the possibility of "triple event" traffic congestion as unlikely.

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

Section 101-47.303-1 of the FPMR requires that the disposal of Federal

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

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

The DBCRA directed the Administrator of the General Services Administration (GSA) to delegate to the Secretary of Defense authority to transfer and dispose of base closure property. Section 2905(b) of DBCRA directs the Secretary of Defense to exercise this authority in accordance with GSA's property disposal regulations, set forth at Sections 101-47.1 through 101-47.8 of the FPMR. By letter dated December 20, 1991, the Secretary of Defense delegated the authority to transfer and dispose of base closure property closed under DBCRA to the Secretaries of the Military Departments. Under this delegation of authority, the Secretary of the Navy must follow FPMR procedures for screening and disposing of real property when implementing base closures. Only where Congress has expressly provided additional authority for disposing of base closure property, *e.g.*, the economic development conveyance authority established in 1993 by Section 2905(b)(4) of DBCRA, may Navy apply disposal procedures other than the FPMR's prescriptions.

In Section 2901 of the National Defense Authorization Act for Fiscal Year 1994, Public Law 103-160, Congress recognized the economic

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

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

The Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484, as implemented by the FPMR, identifies several mechanisms for disposing of surplus base closure property: by public benefit conveyance (FPMR Sec. 110-47.303-2); by negotiated sale (FPMR Sec. 101-47.304-8); and by competitive sale (FPMR 101-47.304-7). Additionally, in Section 2905(b)(4), the DBCRA established economic development conveyances as a means of disposing of surplus base closure property. The selection of any particular method of conveyance merely implements the Federal agency's decision to dispose of the property. Decisions concerning whether to undertake a public benefit conveyance or an economic development conveyance, or to sell property by negotiation or by competitive bid are committed by law to agency discretion. Selecting a method of disposal implicates a broad range of factors and

rests solely within the Secretary of the Navy's discretion.

CONCLUSION: The Reuse Plan prepared by the City of Philadelphia is consistent with the prescriptions of the FPMR and Section 90.4 of the DoD Rule. The LRA has determined in its Reuse Plan that the property should be used for several purposes including light and heavy industrial, manufacturing, administrative, research and development, educational, intermodal transportation, and waterfront commercial and industrial activities. The property's location, physical characteristics, and existing infrastructure, as well as the current uses of adjacent property, make it appropriate for the proposed uses.

The Reuse Plan responds to local and regional economic conditions, promotes rapid economic recovery from the impact of the Base's closure, and is consistent with President Clinton's Five-Part Plan for revitalizing base closure communities, which emphasizes local economic redevelopment of the closing military facility and creation of new jobs as the means to revitalize these communities. 32 CFR Parts 90 and 91, 59 FR 16123 (1994). The acquiring entity, under the direction of Federal, State and local agencies with regulatory authority over protected resources, will be responsible for implementing necessary mitigation measures.

Although the "No action" alternative has less potential for causing adverse environmental impacts, that alternative would not alleviate the economic hardship that Congress expressly recognized as accompanying base closures. It would not foster local economic redevelopment of the Naval Base property and would not create new jobs. Additionally, it would not take advantage of the property's location, physical characteristics, and infrastructure or the current uses of adjacent property.

Accordingly, Navy will dispose of Naval Base Philadelphia in a manner that is consistent with the City of Philadelphia's Reuse Plan for the property.

Dated: June 26, 1997.

William J. Cassidy, Jr.,

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

[FR Doc. 97-17901 Filed 7-8-97; 8:45 am]

BILLING CODE 3810-FF-M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.132A-4]

Centers for Independent Living; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1997

Purpose of Program

This program provides support for planning, conducting, administering, and evaluating centers for independent living (centers) that comply with the standards and assurances in section 725 of the Rehabilitation Act of 1973, as amended (Act), consistent with the State plan for establishing a statewide network of centers. Centers are consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agencies that are designed and operated within local communities by individuals with disabilities and provide an array of independent living (IL) services.

Eligible Applicants

To be eligible to apply, an applicant must be a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency as defined in 34 CFR 364.4; have the power and authority to meet the requirements in 34 CFR 366.2(a)(1); be able to plan, conduct, administer, and evaluate a center for independent living consistent with the requirements of section 725 (b) and (c) of the Act and Subparts F and G of 34 CFR Part 366; and either—(1) not currently be receiving funds under Part C of Chapter 1 of Title VII of the Act; or (2) propose the expansion of an existing center through the establishment of a separate and complete center (except that the governing board of the existing center may serve as the governing board of the new center) in a different geographical location. Eligibility under this competition is limited to entities that meet the requirements of 34 CFR 366.24 and propose to serve areas that are unserved or underserved in the States and territories listed under *Available Funds*.

Supplementary Information: The current grantee under this program that is eligible for a grant under the statute has withdrawn its application. Therefore, the funds are available to other applicants.

Deadline for Transmittal of Applications: August 15, 1997.

Deadline for Intergovernmental Review: September 29, 1997.

Applications Available: July 9, 1997.

Available Funds: \$431,691 as distributed in the following manner: South Carolina \$431,691.

Estimated Range of Awards:

\$100,000–431,691.

Estimated Number of Awards: 1–4 per eligible State.

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

Project Period: Up to 60 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 96; and (b) The regulations for this program in 34 CFR Parts 364 and 366.

For Applications or Further Information Contact: John Nelson, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3326 Switzer Building, Washington, D.C. 20202-2741. Telephone (202) 205-9362. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be downloaded from the Rehabilitation Services Administration's electronic bulletin board, telephone (202) 205-5574 (2400 bps) and (202) 205-9950 (9600 bps) or from the World Wide Web (at <http://www.ed.gov/offices/OSERS/RSA/rsakits.html>); and can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260-9950; on the Internet Gopher Server (at gopher://gcs.ed.gov); or on the World Wide Web (at <http://gcs.ed.gov>). However, the official application notice for this competition is the notice published in the **Federal Register**.

Program Authority: 29 U.S.C. 721 (c) and (e) and 796(f).

Dated: July 2, 1997.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 97-17802 Filed 7-8-97; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Disposal of Spent Nuclear Fuel and High-level Radioactive Waste at Yucca Mountain

AGENCY: Office of Civilian Radioactive Waste Management, Department of Energy.

ACTION: Notice of availability.

SUMMARY: The Department of Energy (DOE) is announcing the availability of