

the City of Oceanside in compliance with the City of Oceanside Local Coastal Plan and the California Coastal Management Program. The Oceanside City Planning Commission has approved the Coastal Use Development Permit.

The proposed action has been evaluated with respect to environmental and social impacts, as well as access to public information and an opportunity for public participation in the NEPA process as mandated by Executive Order 12898, "Federal Actions to Address Environmental Justices in Minority Populations and Low-Income Populations." The project is consistent with the goals and provisions of that Executive Order and no disproportionate impacts to minority or low-income populations will occur.

In the event that the Marine Corps and City of Oceanside are unable to come to an agreement for connecting to the La Salina ocean outfall, the Marine Corps will utilize the new force main pipeline to collect treated effluent from sewage treatment plants 1, 2, 3 and 8 and dispose of treated effluent at percolation/equalization basins that will be constructed at the Lemon Grove site, as discussed in the FEIS. Also, as discussed in the FEIS, effluent diversion from sewage treatment plants 1 and 2 will be continued and be used primarily to irrigate the Marine Memorial Golf Course during the dry season, and a separate pipeline would be constructed (included within the 98,000 foot estimate) from the golf course to the new force main pipeline (to the Lemon Grove percolation/equalization ponds) to dispose of surplus irrigation effluent during the winter months. In addition, as discussed in the FEIS, effluent from sewage treatment plants 3 and 8 would also flow to the Lemon Grove percolation/equalization ponds. Finally, treated effluent from sewage treatment plant 13 would continue to be discharged to the existing Twin Lakes equalization/percolation ponds; to the Santa Margarita River; and possibly to the Lemon Grove Ponds, capacity permitting. Any continued discharge to the Santa Margarita River would be in violation of the Cease and Desist Order. Accordingly, continued discharge from sewage treatment plant 13 into the Santa Margarita River would require an upgrade to sewage treatment plant 13 to meet current permit conditions or a modification of the National Pollutant Discharge Elimination System permit granted to MCB Camp Pendleton by the San Diego Regional Water Quality Control Board. Implementation of any proposal to obtain a revised National Pollutant Discharge Elimination System

permit or to add advanced treatment to sewage treatment plant 13 to comply with the existing permit conditions would require additional engineering and environmental analysis.

Accordingly, subsequent environmental documentation would be prepared, as appropriate, pursuant to NEPA if the need arises to further pursue or continue discharge of treated effluent from sewage treatment plant 13 into the Santa Margarita River.

Preparation of the Environmental Impact Statement began with a public scoping process to identify issues that should be addressed in the document. Involvement in scoping was offered through a combination of documented public announcements and meetings with State of California agencies. Public announcements were handled through scoping letters sent to Federal, State, and local governmental agencies, citizen groups and associations, and the general public. Also, a Notice of Intent to prepare an Environmental Impact Statement was published in local newspapers and the **Federal Register**. The notice of availability of the DEIS appeared in the **Federal Register** on December 20, 1996. The DEIS was distributed to Federal, State and local governmental agencies, officials, citizens groups and associations, public libraries and other interested parties. The public review period for the DEIS was from December 20, 1996 through February 2, 1997. Comments received on the DEIS focused on alternatives analysis, groundwater recharge, endangered species and wetlands issues. The FEIS addressed these comments and was distributed to officials of Federal, State and local governmental agencies, citizens groups and associations, public libraries and to other interested parties on June 27, 1997. The public review period for the FEIS ended on July 27, 1997. No comments were received on the FEIS.

The Department of the Navy believes that there are no remaining issues to be resolved with respect to this project. In the event that the La Salina ocean outfall is unavailable, all pertinent issues have been identified and addressed. Questions regarding the Environmental Impact Statement prepared for this action may be directed to Mr. Lupe E. Armas, Assistant Chief of Staff, Environmental Security, Marine Corps Base, Camp Pendleton, CA 92055-5008, telephone (619) 725-4512.

Dated August 26, 1997.

**Duncan Holaday,**

*Deputy Assistant Secretary of the Navy (Installations and Facilities).*

[FR Doc. 97-23375 Filed 9-3-97; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### **Record of Decision for the Disposal and Reuse of the Fleet and Industrial Supply Center, Oakland, California**

**SUMMARY:** The Department of the Navy (Navy), pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C), and the regulations of the Council on Environmental Quality that implement NEPA procedures, 40 CFR Parts 1500-1508, hereby announces its decision to dispose of the Fleet and Industrial Supply Center (FISC) Oakland, California.

Navy intends to dispose of this property directly to the Port of Oakland (Port) as authorized by the Department of Defense Authorization Act for Fiscal year 1993, Public Law 102-484, Section 2834, as amended by the Department of Defense Authorization Act for Fiscal Year 1996, Public Law 104-106, Section 2867. Based upon the Port's Vision 2000 Program, it proposes to develop marine, rail, and truck cargo facilities on the property. The Port's Vision 2000 Program is consistent with the designation of the area for "priority port use" in the April 1996 San Francisco Bay Seaport Plan Update, issued jointly by the San Francisco Bay Conservation and Development Commission and the Metropolitan Transportation Commission. The Port's redevelopment will also provide public access to the waterfront and, in the Oakland Middle Harbor, a marine habitat enhancement area.

In deciding to dispose of FISC Oakland, Navy has determined that the Port's proposed use of the property as an intermodal cargo facility is consistent with Public law 102-484, as amended by Public Law 104-106. This Record of Decision does not mandate a specific mix of land uses. Rather, it leaves selection of the particular means to achieve the proposed redevelopment to the Port of Oakland.

Navy and the Port analyzed the impacts of disposal and reuse under the Vision 2000 Program in a Joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR), as required by NEPA and the California Environmental Quality Act (CEQA),

California Public Resources Code, Section 21000, *et seq.* The EIS/EIR analyzed four reuse alternatives and identified the Reduced Harbor Fill Alternative as the Preferred Alternative. This alternative proposed a mix of land uses that allocated about three-fourths of the FISC property to industrial, rail and marine terminal activities and reserved the remaining property for public access and habitat enhancement.

The Port plans to redevelop the FISC property in phases over several years and will prepare additional CEQA documentation as particular projects are ready for evaluation. While this Record Of Decision completes Navy's responsibility under NEPA, the Federal Highway Administration, a cooperating agency in preparation of the EIS/EIR, will prepare a separate Record Of Decision that reflects its decision concerning funding for the Port's redevelopment project.

### Background

The FISC Oakland property is situated on 528 acres in West Oakland, about two miles west of Oakland's central business district, on the east side of San Francisco Bay. It lies within the limits of the City of Oakland in Alameda County and falls under the planning jurisdiction of the Port of Oakland.

In 1940, Navy acquired from the City of Oakland 392 acres of the 528 acres that comprise the FISC Oakland property and established the Oakland Naval Supply Depot (later renamed the Naval Supply Center) to provide logistical support for the Pacific Theater in World War II. The City conveyed this property to Navy subject to a reversionary clause that would cause the property to revert to the City of Oakland if Navy decided not to use it as a supply depot or for other military purposes.

Navy subsequently acquired an additional 136 acres of adjacent upland property and increased the total area of the FISC property to 528 acres. This additional 136 acres has no reverter limiting Navy's ability to convey the property and is currently leased to the Port for use as warehousing, open laydown storage, and parking.

Because the 392 acres acquired from the City of Oakland will revert to the City by operation of law, the only property for which Navy must make a disposal decision is the remaining 136 acres. Therefore, disposal of that 136 acres is the subject of this Record of Decision.

The Department of Defense Authorization Act for Fiscal Year 1993, Public Law 102-484, Section 2834, authorized Navy to lease up to 195 acres

of FISC Oakland property to the Port of Oakland for 50 years. The Department of Defense Authorization Act for Fiscal Year 1994, Public Law 103-160, Section 2833, amended these provisions to permit Navy to lease available property to the Port.

Navy has leased about 190 acres of FISC property to the Port to permit expansion of the Port's rail and marine terminal facilities. On May 25, 1995, following a Joint EIS/EIR, Navy issued a separate Record of Decision concerning that leasing action.

The 1995 Defense Base Closure and Realignment Commission recommended closure of FISC Oakland. This recommendation was approved by President Clinton and accepted by the One Hundred Fourth Congress in 1995. The base is scheduled for operational closure in September 1998.

Section 2834 of Public Law 102-484 was subsequently amended by the Department of Defense Authorization Act for Fiscal Year 1996, Public Law 104-106, Section 2867, which gave Navy authority to convey the FISC property to the Port. This authority is independent of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. § 471, *et seq.*, and its implementing regulations, the Federal Property Management Regulations, 41 CFR part 101-47, as well as the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, 10 U.S.C. § 2687 note.

Navy published a notice of intent in the **Federal Register** on May 30, 1996, announcing that Navy, with the Port of Oakland, would prepare a Joint EIS/EIR. This analysis would consider the impacts of Navy's disposal of the property not covered by the reverter, *i.e.*, the 136 acres, and the Port's reuse of the entire 528-acre FISC property, including the buildings and infrastructure. A thirty-day public scoping period was established, and a public scoping meeting was held on June 13, 1996, at the McClymonds High School Auditorium in the City of Oakland.

On March 7, 1997, Navy and the Port distributed a Draft EIS/EIR (DEIS/EIR) to Federal, State, and local agencies, interested parties, and the general public. Navy held a public hearing on April 8, 1997, at the West Oakland Public Library in the City of Oakland. During the forty-five day review period after publication of the DEIS/EIR, Federal agencies, California State agencies, local government agencies, and the public submitted written comments. These comments and Navy's responses were incorporated in the Final EIS/EIR (FEIS/EIR), which was

distributed to the public on July 25, 1997, for a thirty-day review period that concluded on August 25, 1997. Navy received comments on the FEIS/EIR from the United States Environmental Protection Agency, the Bay Area Air Quality Management District, the Association of Bay Area Governments, the East Bay Regional Park District, the Golden Gate University Environmental Law and Justice Clinic, and Arc Ecology.

### Alternatives

NEPA requires Navy to evaluate a reasonable range of alternatives for the disposal and reuse of this Federal property. Because Navy proposes to dispose of the property pursuant to Section 2834 of Public Law 102-484, as amended by Section 2867 of Public Law 104-106, Navy analyzed the environmental impacts of two alternatives: (1) Disposal of the property to the Port and (2) no action. The "No action" alternative would result in Navy retaining ownership of the 136 acres of nonreversionary property while the other 392 acres would revert to the Port. Navy would continue leasing the nonreversionary property to the Port by way of the existing 50-year lease agreement.

In the disposal alternative, the 136-acre property would be conveyed to the Port of Oakland which would use the property to implement its Vision 2000 Program. In the Joint EIS/EIR, the Port evaluated four reuse alternatives for implementing this Program. Each of these alternatives involved intermodal port development and differed only in respect of waterfront configuration, the amount of bay fill, and public access. In the Joint FEIS/EIR, the Port identified the Reduced Harbor Fill Alternative as its Preferred Alternative.

### Environmental Impacts

Navy analyzed the direct, indirect, and cumulative impacts of its disposal and the Port's proposed reuse on land use, socioeconomics, public services, cultural resources, aesthetic resources, biological resources, water resources, geology and soils, traffic and circulation, air quality, noise, utilities, and hazardous materials and waste.

The direct environmental impacts are those associated with Navy's proposed disposal of the 136 acres and with the "No action" alternative. The indirect impacts are those associated with the Port's reuse of this nonreversionary 136-acre Navy property. The cumulative impacts are those associated with the redevelopment of the reversionary FISC property (the 392 acres), third-party property included in the Vision 2000

Program, and other development activity in the area. Navy has no authority to control the Port's use of the reversionary property after it reverts to the Port, nor to control use of the third-party property that is part of the Vision 2000 Program.

With the exception of the impact on cultural resources, no significant direct impacts would result from Navy's disposal of the FISC Oakland property. Therefore, this Record of Decision will focus on the indirect and cumulative impacts that are likely to result from the Port's implementation of the Preferred Alternative, designated as the Reduced Harbor Fill Alternative.

The Reduced Harbor Fill Alternative would not have any significant impact on land use. Although the one-acre Middle Harbor Park would be eliminated, this alternative would provide public access to 31 acres of shoreline along the Oakland Middle Harbor, a substantial increase over current public access to the property.

The Reduced Harbor Fill Alternative would not result in any significant adverse socioeconomic impacts. Indeed, the Port's proposal would generate about 10,000 more new jobs than would the "No action" alternative.

The Reduced Harbor Fill Alternative would have a significant impact on public services as a result of the elimination of the Spectrum Medical Care Clinic that provides medical services to the West Oakland community. This impact could be mitigated, however, by moving the clinic to another site in West Oakland.

As noted earlier, the Reduced Harbor Fill Alternative would have a significant impact on cultural resources, because historic buildings and structures in the Naval Supply Center Oakland Historic District would be demolished in the redevelopment. This historic district is eligible for listing on the National Register of Historic Places. Thus, in order to permit the planned redevelopment, it was necessary to amend an existing Memorandum Of Agreement (MOA) with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP). This MOA provided for recordation and demolition of only those historic structures that were located on FISC property that the Port had leased from Navy. Navy, the SHPO, and the ACHP agreed upon an amendment that provides for recordation and demolition of all historic structures on the entire FISC property. The amended MOA was signed by Navy on March 7, 1997, the SHPO on April 11, 1997, and the ACHP on April 30, 1997.

The Reduced Harbor Fill Alternative would have a significant impact on aesthetic resources. Middle Harbor Park, which now provides visitors with a clear view of Oakland Harbor, would be replaced with marine terminal facilities. The Port, however, proposes to replace Middle Harbor Park with another park that will afford visitors enhanced opportunities to view Oakland Harbor and San Francisco Bay. This proposal should adequately mitigate the adverse impact caused by the loss of Middle Harbor Park.

On June 26, 1997, the United States Fish and Wildlife Service (USFWS) issued a Biological Opinion concerning the endangered California least tern. The Service concluded that Navy's disposal of the FISC property is not likely to jeopardize the continued existence of the California least tern.

The Port's proposal, however, could have a significant impact on biological resources because it may result in the loss of least tern foraging habitat. Thus, the Port will engage in programmatic consultation with USFWS pursuant to the Endangered Species Act, 16 U.S.C. 1531 *et. seq.*, and will consult with the United States Army Corps of Engineers to ensure that construction of the marine terminal and dredging do not cause significant adverse impacts on the least tern's foraging habitat.

The Reduced Harbor Fill Alternative could have another significant impact on biological resources arising out of the accumulation of sediments on eelgrass beds. This impact could be mitigated by relocating the eelgrass beds as part of the marine habitat enhancement project. Such a relocation would also enhance the environment for marine and biological resources in the Oakland Middle Harbor.

The pollutant runoff that would be generated by the Port's Reduced Harbor Fill Alternative would have a significant impact on water resources. The combination of a well-designed stormwater management facility and the implementation of best management practices, such as those already developed by the Port for vehicle maintenance, could reduce the project's stormwater pollutant runoff to an insignificant level.

The Port's dredging and its disposal of dredged material, including filling Oakland Middle Harbor, could cause adverse impacts. Thus, the Port is considering several alternatives for the disposal and reuse of any contaminated material that may result from dredging. The nature and extent of these impacts can only be determined after the sediments have been tested, the dredging methods have been selected,

and the disposal and reuse sites have been identified. In any event, the Port will conduct dredging and disposal of dredged material in a manner suited to the particular conditions at the dredge site and consistent with the permit requirements of the appropriate regulatory agencies.

Redevelopment of the FISC Oakland property would continue to expose the public to those risks typically associated with regional seismic events, *i.e.*, earthquakes, liquefaction, and ground settlement. Thus, the redevelopment must comply with local building and waterfront design codes and seismic safety requirements.

The Reduced Harbor Fill Alternative would have a significant impact on traffic at the intersection of Third Street and Adeline Street during peak hours. Its impact could be mitigated by restriping the eastbound and westbound Third Street approaches to the intersection. This Alternative would not have a significant impact on nearby highways, although some Bay Area freeway segments would experience increased traffic. The Port's proposal would generate about 54,705 passenger car equivalent (PCE) average daily trips (weighted for additional truck traffic), as compared with the "No action" alternative's 38,513 PCE average daily trips. However, these additional trips would be distributed throughout the day so that freeway operations would not likely be significantly affected.

The Reduced Harbor Fill Alternative would have a significant impact on air quality because of the increase in transportation-related air pollutant emissions. Redevelopment of the property will attract additional automobile, truck, rail and ship traffic. Emissions from this traffic will include reactive organic compounds, nitrogen oxides, sulfur oxides, and particulate matter (less than 10 microns). Thus, the Bay Area Air Quality Management District's planning for attainment of the National Ambient Air Quality Standards will require consideration of these additional emissions as well as those generated by other growth projected for the San Francisco Bay area.

Implementation of the Reduced Harbor Fill Alternative would not result in any significant impact from noise. There would, however, be additional noise generated by traffic, trains, railyard operations and marine terminal activities. The new Cypress Freeway, located between the project site and the West Oakland neighborhoods, should attenuate the additional noise generated at the project site.

The Reduced Harbor Fill Alternative would not result in any significant

impacts on the utilities that serve the FISC property, *i.e.*, landfill capacity, water distribution, sanitary sewers, stormwater drainage, electric power, natural gas, and telephone systems.

Navy also analyzed the potential for 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. Although a low-income, minority population resides adjacent to the FISC property, there would be no disproportionately high and adverse human health or environmental effects on that population as a result of the proposed action.

### Mitigation

Implementation of Navy's decision to dispose of the FISC Oakland property does not require Navy to perform any mitigation measure beyond that already accomplished, *i.e.*, amendment of the MOA concerning the Naval Supply Center Oakland Historic District. The FEIS/EIR identified and discussed those actions that would be necessary to mitigate the impacts associated with reuse of the FISC Oakland property. The Port of Oakland, under the direction of Federal, State, and local agencies with regulatory authority over protected resources, will be responsible for implementing necessary mitigation measures. The implementation of mitigation concerning the historic property will be governed by the MOA.

### Comments Received on the FEIS

Navy received comments on the FEIS/EIR from the United States Environmental Protection Agency, the Bay Area Air Quality Management District, the East Bay Regional Park District, the Association of Bay Area Governments, and two citizens groups: the Golden Gate University Environmental Law and Justice Clinic, and Arc Ecology. The following substantive issues were identified.

The EPA requested that Navy quantify the amount of "contaminated" dredged material associated with the Preferred Alternative that would be not suitable for unconfined aquatic disposal. Navy and the Port anticipate that the amount of dredged material not suitable for unconfined aquatic disposal will be small. Most of the dredging required to complete the project is expected to be in rocky areas or clean sand areas, which typically have minimal sediment contamination. Contamination is most likely to be found in the upper layers of shoreline sediment near piers and wharves. Based upon the footprint of

the preferred reuse alternative and discussions with the Port of Oakland, Navy estimates that 300,000 cubic yards, or less than 7% of the 4,500,000 cubic yards to be dredged, will not be suitable for unconfined aquatic disposal. Precise information will be developed and specific impacts discussed when the Port of Oakland submits an application for a Dredge and Fill permit under the Clean Water Act to the Army Corps of Engineers.

EPA recognized that the programmatic levels of analysis in the FEIS/EIR were too preliminary for biological resource impacts to be fully evaluated. EPA, however, questioned the one half mile Region Of Influence (ROI) used in the FEIS/EIR for analyzing impacts from dredging and requested that the ROI in the FEIS/EIR not artificially constrain the project-level analysis of the potential introduction of contaminants into the aquatic food chain. As the precise location and extent of dredging has not been determined and no disposal sites have been identified, Navy considers the estimated one-half mile ROI for biological resources appropriate for this FEIS/EIR. The Port of Oakland will define the ROI more precisely when it prepares project-level CEQA documentation for dredging.

The Bay Area Air Quality Management District requested that the Port of Oakland consider mitigation measures to minimize air emissions, even if these measures would not reduce air emissions below the significant level. The Port of Oakland intends to continue to meet with the community to discuss air quality issues and mitigation. Should it identify mitigation measures which would further reduce air emissions, the Port of Oakland will consider such measures in future project-specific CEQA documents prepared for its Vision 2000 Program.

The East Bay Regional Park District requested that the Port of Oakland make a firm commitment to construct or fund a bicycle/pedestrian access in Oakland Middle Harbor as part of this joint EIS/EIR. The Port of Oakland has not yet proposed specific locations for public access improvements. It will consider specific public access proposals such as the bicycle/pedestrian path in future project-specific CEQA documents for Oakland Middle Harbor.

The East Bay Regional Park District (EBRPD) commented that it supports a goal of maximum feasible public access in the Oakland Middle Harbor area, preferring multiple public access areas to a single, large public access area. The Port of Oakland has not yet proposed specific locations for public access

improvements. It will consider specific public access proposals such as multiple access areas in future project-specific CEQA documents for Oakland Middle Harbor.

The Association of Bay Area Governments (ABAG) noted that the San Francisco Bay Trail map in the FEIS/EIR was inaccurate because it did not show a proposed trail route between Mandella Parkway and Maritime Streets. The identification of this map error, while useful, does not change the environmental impact analysis in the FEIS/EIR.

The Golden Gate University Environmental Law and Justice Clinic (Environmental Law Clinic) submitted comments on behalf of West Oakland Neighbors, a local citizens group. The Environmental Law Clinic expressed concerns that the FEIS/EIR did not consider feasible mitigation measures which would reduce air emissions. Specifically, the Environmental Law Clinic suggested that truck parking facilities remain open continuously to preclude the parking of trucks on the residential streets of West Oakland where residents would be subjected to emissions and noise from diesel engine start-up and idle, and that the Port of Oakland purchase emission credits.

The FEIS/EIR evaluated a variety of mitigation measures to reduce air emissions associated with port redevelopment. While some mitigation measures, such as a 24 hour parking facility, will be implemented and will reduce noise and air emissions in the West Oakland community, none of the proposed mitigation measures would reduce ozone precursors and particulate matter emissions below thresholds established by the local Air Quality District. For example, use of emission reduction credits are available for mobile sources, is project specific. The FEIS/EIR analyzed port redevelopment at the programmatic level. The Vision 2000 Program will be implemented in phases with project-specific analysis completed for each phase or project. Whether use of emission credits is appropriate and whether credits are actually available can be analyzed in project-specific CEQA documents. The Port of Oakland will continue to discuss possible mitigation with the local community.

The Environmental Law Clinic also suggested that EPA's informal proposal to redesignate the San Francisco Bay area as moderate nonattainment for ozone should be considered new information requiring supplemental analysis in the FEIS/EIR. At present EPA has not formally proposed a change in ozone designation for the Bay Area.

Even if EPA has published a proposed change in designation from attainment/maintenance to nonattainment, the amount of emissions associated with the reuse alternatives would not change. Air impacts would still be significant and the Port of Oakland would still need to evaluate additional mitigation measures in project-specific CEQA documents. The more stringent emission restrictions normally associated with nonattainment designations are not applicable to the Navy's proposed action as federal disposal actions are exempt from application of the Clean Air Act's Conformity provisions.

The Environmental Law Clinic expressed concern that, contrary to the analysis in the FEIS/EIR, minority and low income residents of West Oakland were disproportionately and adversely affected by air emissions from the proposed port redevelopment. As discussed in the FEIS/EIR, ozone precursor and particulate emissions from motor vehicle, rail, and ship traffic would occur over a broad dispersed geographic area, and therefore would not result in a localized impact on West Oakland neighborhoods. Particulate emissions during demolition and construction will be controlled, eliminating any adverse impacts on the West Oakland community during the construction phase. Impacts associated with the proposed redevelopment therefore would not be disproportionately high and adverse.

The Environmental Law Clinic also commented that the FEIS/EIR did not include mitigation for impacts to shorebirds from the Port's Vision 2000 Program. Suitable habitat for shorebirds is very limited in the area. Impacts identified in the FEIS/EIR are so limited that mitigation is not required.

### Conclusion

Of the 528-acre FISC Oakland property, about 392 acres will revert to the Port. The remaining nonreversionary property, 136 acres, is currently leased to the Port by way of a 50-year lease. Although the "No action" alternative has less potential for causing adverse environmental impacts, it would not permit efficient use of the nonreversionary Navy property.

Navy's conveyance of the nonreversionary property to the Port would allow the Port to reuse and redevelop the entire FISC Oakland property efficiently, with other nearby property, in a manner consistent with the "port priority use" designation of the San Francisco Bay Conservation and Development Commission and the Metropolitan Transportation Commission. Additionally, disposal of

the property relieves Navy of the burden of owning, managing, and maintaining property that it no longer needs.

Accordingly, Navy will dispose of the FISC Oakland property by conveying it to the Port of Oakland pursuant to Section 2867 of Public Law 104-106.

Dated: August 28, 1997.

**Robert B. Pirie, Jr.,**

*Assistant Secretary of the Navy, (Installations And Environment).*

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BILLING CODE 3810-FF-M

## DEPARTMENT OF EDUCATION

### Notice of Waivers Granted

**ACTION:** Notice of waivers granted by the U.S. Secretary of Education under the authority of the Elementary and Secondary Education Act.

**SUMMARY:** The Elementary and Secondary Education Act (ESEA) as reauthorized in the Improving America's Schools Act (IASA) (Pub. L. 103-382), the Goals 2000: Educate America Act (Pub. L. 103-227), and the School-to-Work Opportunities Act (Pub. L. 103-239) provide State education agencies, school districts, schools, and other recipients of Federal education funds with unprecedented flexibility in using Federal education programs to meet specific local needs for improving teaching and learning, and to support systemic education reform initiatives designed to help all children reach challenging academic standards. In order to facilitate effective innovation and program improvement, these Acts authorize the Secretary of Education to grant waivers of certain Federal program requirements.

As of June 30, 1997, the U.S. Department of Education had approved 164 waiver requests under the waiver authorities identified above. This notice, published as provided for in section 14401(g) of the ESEA, identifies the 21 waiver requests approved by the Department of Education from January 1, 1997 through June 30, 1997.

### (A) Waivers Approved Under the General Waiver Authority in Section 14401 of the ESEA

(1) *Name of Applicant:* Puerto Rico Department of Education, San Juan, PR.

*Requirement Waived:* Section 1113(a)(3) of the ESEA.

*Duration of Waiver:* Two years.

*Date Granted:* January 2, 1997.

(2) *Name of Applicant:* Hawaii Department of Education on behalf of Kapalama School, Honolulu, HI.

*Requirement Waived:* Section 1114(a)(1)(B) of the ESEA.

*Duration of Waiver:* Three years.

*Date Granted:* January 30, 1997.

(3) *Name of Applicant:* Hawaii Department of Education on behalf of King Kaumuali'i Elementary School, Honolulu, HI.

*Requirement Waived:* Section 1114(a)(1)(B) of the ESEA.

*Duration of Waiver:* Three years.

*Date Granted:* January 30, 1997

(4) *Name of Applicant:* Hawaii Department of Education on behalf of Pearl Harbor Elementary School, Honolulu, HI.

*Requirement Waived:* Section 1114(a)(1)(B) of the ESEA.

*Duration of Waiver:* Three years.

*Date Granted:* January 30, 1997.

(5) *Name of Applicant:* Hawaii Department of Education on behalf of Pearl Harbor Kai Elementary School, Honolulu, HI.

*Requirement Waived:* Section 1114(a)(1)(B) of the ESEA.

*Duration of Waiver:* Three years.

*Date Granted:* January 30, 1997.

(6) *Name of Applicant:* Oregon Department of Education on behalf of the Oregon State System of Higher Education, Salem, OR.

*Requirement Waived:* Section 2206(b) as applied to Section 2203(2) of the ESEA.

*Duration of Waiver:* Three years.

*Date Granted:* January 30, 1997.

(7) *Name of Applicant:* West Perry School District, Ellitsburg, PA.

*Requirements Waived:* Sections 1113(c)(1) and 1113(c)(2) of the ESEA, and 34 CFR Section 200.28(c).

*Duration of Waiver:* Three years.

*Date Granted:* January 30, 1997.

(8) *Name of Applicant:* Philadelphia School District, Philadelphia, PA.

*Requirements Waived:* Section 1113(c)(1) of the ESEA, and 34 CFR Section 200.28(c).

*Duration of Waiver:* Three years.

*Date Granted:* January 31, 1997.

(9) *Name of Applicant:* Hawaii Department of Education on behalf of Waipahu Intermediate School, Honolulu, HI.

*Requirement Waived:* Section 1114(a)(1)(B) of the ESEA.

*Duration of Waiver:* Three years.

*Date Granted:* March 9, 1997.

(10) *Name of Applicant:* Amphitheater Public Schools, Tucson, AZ.

*Requirement Waived:* Section 1114(a)(1)(B) of the ESEA.

*Duration of Waiver:* Three years.

*Date Granted:* March 18, 1997.

(11) *Name of Applicant:* Arizona Department of Education, Phoenix, AZ.

*Requirement Waived:* Section 1208(b)(5)(A) of the ESEA.