

**Janet A. Long,**

*Air Force Federal Register Liaison Officer.*  
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## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Notice of Intent To Grant an Exclusive Patent License

Pursuant to the provisions of Part 404 of Title 37, Code of Federal Regulations, which implements Public Law 96-517, the Department of the Air Force announces its intention to grant Hybrid Plastics, LLC, a company doing business in Fountain Valley, CA, an exclusive license in any right, title, and interest the Air Force has in U.S. Patent Application Serial No. 09/003,083 entitled "METHOD OF FUNCTIONALIZING POLYCYCLIC SILICONES AND THE RESULTING COMPOUNDS" and Patent Application Serial No. 09/003,084 entitled "METHOD OF FUNCTIONALIZING POLYCYCLIC SILICONES AND THE COMPOUNDS SO FORMED." Each invention is a joint invention of Joseph D. Lichtenhan and Joseph J. Schwab, Frank J. Feher, and Daravonge Soulivong.

The two licenses described above will be granted unless an objection thereto, together with a request for an opportunity to be heard, if desired, is received in writing by the addressee set forth below within 60 days from the date of publication of this Notice. Information concerning the application may be obtained, on request, from the same addressee.

All communications concerning this Notice should be sent to Mr. Randy Heald, Associate General Counsel (Acquisition), SAF/GCQ, 1500 Wilson Blvd., Suite 304 Arlington, VA 22209-2310. Mr. Heald can be reached at 703-588-5091 or by fax at 703-588-8037.

**Janet A. Long,**

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## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Notice of Intent To Grant an Exclusive Patent License

Pursuant to the provisions of Part 404 of Title 37, Code of Federal Regulations, which implements Public Law 96-517, the Department of the Air Force announces its intention to grant R & J Fluidix LLC, a company doing business in Mt. Holly, N.J., an exclusive license in any right, title, and interest the Air Force has in U.S. Patent No. 5,873,500. The invention is a joint invention of Richard W. Homburg and Jay A. Murray both of whom were government employees at the time of the invention. The invention is entitled "FLUID DELIVERY CART" and issued on February 23, 1999.

The license described above will be granted unless an objection thereto, together with a request for an opportunity to be heard, if desired, is received in writing by the addressee set forth below within 60 days from the date of publication of this Notice. Information concerning the application may be obtained, on request, from the same addressee.

All communications concerning this Notice should be sent to Mr. Randy Heald, Associate General Counsel (Acquisition), SAF/GCQ, 1500 Wilson Blvd., Suite 304 Arlington, VA 22209-2310. Mr. Heald can be reached at 703-588-5091 or by fax at 703-588-8037.

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Record of Decision for the Disposal and Reuse of Naval Air Station Barbers Point, Oahu, HI

**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) (1994), and the regulations of the Council on Environmental Quality that implement NEPA procedures, 40 C.F.R. Parts 1500-1508, hereby announces its decision to dispose of Naval Air Station (NAS) Barbers Point, which is located

on the island of Oahu in Honolulu County, Hawaii.

Navy analyzed the impacts of the disposal and reuse of NAS Barbers Point in an Environmental Impact Statement (EIS) as required by NEPA. The EIS analyzed four reuse alternatives and identified the Naval Air Station Barbers Point Community Redevelopment Plan dated March 1997 (Redevelopment Plan), described in the EIS as the State-Preferred Alternative, as the Preferred Alternative. The State of Hawaii is the Local Redevelopment Authority (LRA) for NAS Barbers Point. Department of Defense Rule on Revitalizing Base Closure Communities and Community Assistance (DoD Rule), 32 CFR 176.20(a).

The Preferred Alternative proposed a mix of aviation, residential, educational, community service, light industrial, commercial, public, park and recreational uses. These include a general aviation and military airport, housing, a vocational training center, a desalinization plant, an automobile race track complex, an international sports center, a festival center, a marine park, a baseball complex, and a field sports complex.

Navy intends to dispose of NAS Barbers Point in a manner that is consistent with the Redevelopment Plan. Navy has determined that a mixed land use will meet the goals of achieving local economic redevelopment, creating new jobs, and providing additional housing, while limiting adverse environmental impacts and ensuring land uses that are compatible with adjacent property. 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 acquiring entities and the local zoning authority.

#### Background

Under the authority of the Defense Base Closure and Realignment Act of 1990 (DBCRA), Public Law 101-510, 10 U.S.C. § 2687 note (1994), the 1993 Defense Base Closure and Realignment Commission recommended the closure of Naval Air Station Barbers Point. This recommendation was approved by President Clinton and accepted by the One Hundred Third Congress in 1993. The base is scheduled to close on July 2, 1999.

Nearly all of the property associated with NAS Barbers Point is located on the island of Oahu, about 16 miles west of downtown Honolulu. This property covers 3,723 acres. Additionally, there are three non-contiguous parcels that cover 100 acres: two small areas at Iroquois Point on Pearl Harbor and Kaula Island located 55 miles from the Hawaiian island of Kauai.

Navy controls an additional 110 acres near the main base by way of easements for air operations. These easements impose restrictions on 20 acres of private property near the northwestern edge of the base and on 90 acres of private property near the southwest corner of the base. Navy will transfer its interests in these easements to the underlying property owners.

The 3,723-acre main base property is bounded on the north by the City of Kapolei; on the east by the communities of Ewa Villages, Ewa Gentry and Ewa Marina; on the south by the Pacific Ocean; and on the west by Campbell Industrial Park and Kapolei Business Park. There are three runways at NAS Barbers Point: two parallel 8,330-foot runways (Runway 4L-22R and Runway 4R-22L) in a southwest-northeast alignment and one 8,411-foot crosswind runway (Runway 11-29) in a northwest-southeast alignment. There is a drainage channel on the western edge of the base adjacent to Campbell Industrial Park that runs from north to south. Navy owns the northern and southern parts of the drainage channel, and the Estate of James Campbell owns the middle part of the channel. The Estate also maintains easements on those parts owned by Navy.

The Navy property at Iroquois Point on Pearl Harbor covers two acres located about eight miles west of downtown Honolulu. This property contains a community center and a retail store that are situated in a military family housing area associated with Navy activities at the Pearl Harbor Naval Complex. Kaula Island covers 108 acres and is located about 55 miles southwest of Navy's Pacific Missile Range Facility on the island of Kauai.

The 1995 Defense Base Closure and Realignment Commission modified the 1993 Commission's recommendation by directing Navy to retain certain properties at NAS Barbers Point in

support of military family housing requirements on the Island of Oahu. The recommendation of the 1995 Commission was approved by President Clinton and accepted by the One Hundred Fourth Congress in 1995.

Navy will retain the 1,090 housing units on the northern edge of the base and 171 community support facilities throughout the base, including the medical and dental clinic (Building 1829) in the center of the base; the child development center (Building 1965) and the golf course in the northeastern part of the base; White Plains Beach in the southeast corner; Nimitz Beach on the southern edge of the base; the landfill in the western part of the base; the two off-base parcels at Iroquois Point; and Kaula Island. Navy made the remaining property available for use by other Federal agencies.

During the Federal screening process, seven Federal agencies requested interagency transfers of base closure property at NAS Barbers Point. These included the Department of Veterans Affairs, the Federal Aviation Administration (FAA), the United States Postal Service, the Department of the Interior's United States Fish and Wildlife Service, the United States Coast Guard, the National Guard Bureau (Hawaii Army National Guard), and the Department of the Army. Navy will transfer about 464 acres at Barbers Point to six of these Federal agencies.

Navy will transfer about six acres in the center of the base to the Department of Veterans Affairs for use in programs that serve veterans on Oahu. These will include employment training classes and outpatient substance abuse treatment. Buildings 34, 37, and 1772 will be used for these programs.

Navy will transfer about 18 acres in the northeast corner of the base to the Federal Aviation Administration. The FAA will continue to operate a navigation aid there that serves Honolulu International Airport and will maintain a radio frequency interference zone around this navigation equipment.

Navy will transfer Building 3 and about one acre in the center of the base to the United States Postal Service. The Postal Service will continue to use this building as a post office.

Navy will transfer four non-contiguous parcels covering about 239

acres at Barbers Point to the United States Fish and Wildlife Service to establish the Barbers Point Unit of the Pearl Harbor National Wildlife Refuge. This refuge will protect Federally listed endangered plant and bird species and migratory birds. These four parcels are located in the eastern, southeastern, southern and southwestern parts of the base.

The eastern parcel, covering 136 acres, contains the akoko shrub (*Chamaesyce skottsbergii* var. *skottsbergii*), a Federally listed and State-listed endangered plant. The southeastern parcel, covering nine acres, contained Ord Pond and provides habitat for several species of migratory shorebirds protected under the Migratory Bird Treaty Act of 1918, 16 U.S.C. 703-712 (1994), and the Federally listed and State-listed endangered Hawaiian stilt (*Himantopus mexicanus knudseni*). The southern parcel, covering 45 acres, contains a coastal salt flat and provides habitat for migratory shorebirds and the endangered Hawaiian stilt. The southwestern parcel, covering 49 acres, contains a Federally listed and State-listed endangered plant, the chaff flower shrub. (*Achyranthes splendens* var. *rotundata*).

Navy will transfer about 44 acres in the southern part of the base to the United States Coast Guard to permit the Coast Guard to continue operating its Barbers Point Air Station. The Coast Guard operates C-130 Hercules aircraft and HH-65 helicopters that conduct search and rescue operations in the Central Pacific Maritime Region.

Navy will transfer about 149 acres in the north-central part of the base to the Hawaii Army National Guard. The Guard will use this property for operational, maintenance and administrative activities, its Youth Challenge Program, and as a parking apron for its CH-47 helicopters. Navy will also transfer to the Guard an additional seven acres in this area where the fuel storage tanks are currently located. The Guard will use this property as a storage area after the tanks are removed.

The Department of the Army initially requested about 17 acres in the southwestern part of the base to establish a soil and sludge reclamation

facility but subsequently withdrew its request. The remaining 2,130 acres of property at NAS Barbers Point are surplus to the needs of the Federal Government.

This Record of Decision addresses the disposal and reuse of these 2,130 acres, which contain about 209 buildings and structures that were used for aviation operations, training, and related administrative activities. The surplus property's undeveloped areas contain wetlands, an endangered plant, and archaeological resources.

On August 31, 1998, the United States Department of the Interior entered into a Memorandum of Agreement with the State of Hawaii providing that about 623 of the 2,130 surplus acres in various parts of NAS Barbers Point would be conveyed to the State through the Department of the Interior under the authority of the Hawaiian Home Lands Recovery Act (HHLRA), Public Law 104-42, 109 Stat. 357 (1995). This statute authorized the conveyance of excess Federal land to settle claims asserted by the State of Hawaii's Department of Hawaiian Home Lands (DHHL) that certain Hawaiian home lands set aside by Congress in 1921 for homesteading by native Hawaiian had been diverted to Federal uses.

The conveyance process may require the withdrawal of this land from surplus status and an interagency transfer from Navy to Interior for subsequent conveyance by Interior to DHHL. Such an action would not affect Navy's NEPA analysis, because DHHL's proposed uses of this property are the same as those set forth in the Redevelopment Plan. Thus, the environmental impacts described in the EIS would not change.

About 1,452 acres of surplus property will be conveyed by way of various kinds of public benefit conveyances. Navy will assign 702 acres in the center of the base to the State of Hawaii after approval by the United States Department of Transportation for use as an airport. Navy will assign nine acres north of the airfield to the United States Department of Education for subsequent conveyance to the State of Hawaii for use as an aviation training school. Navy will assign 42 acres in the southwest corner of the base to the United States Department of Health and Human Services for subsequent conveyance to the City and County of Honolulu for public health use as a seawater desalinization plant. Navy will assign 13 acres in the northwestern part of the base adjacent to the Navy-retained housing to the United States Department of Education for subsequent conveyance to the State of Hawaii for the continuing use of the Barbers Point Elementary

School. Navy will assign 686 acres in various locations throughout the base to the United States Department of the Interior for subsequent conveyance to the State of Hawaii and the City and County of Honolulu for use as parks and recreational areas.

Of the remaining 55 acres, Navy will assign 13 acres in the center of the base to the State of Hawaii after approval of a legally binding agreement between the LRA and homeless assistance providers by the United States Department of Housing and Urban Development for the provision of homeless assistance services. About 42 acres consisting of roads and parts of the drainage channel will be conveyed by negotiated sales.

Navy published a Notice Of Intent in the **Federal Register** on March 26, 1997, announcing that Navy and the Federal Aviation Administration as a cooperating agency would prepare an EIS for the disposal and reuse of NAS Barbers Point. Navy held a public scoping meeting at the Washington Intermediate School in Honolulu on April 16, 1997, and at the base's Paradise West Club on April 17, 1997. The scoping period concluded on June 19, 1997.

Navy distributed the Draft EIS (DEIS) to Federal, State, and local governmental agencies, elected officials, community groups and associations, and interested persons on August 28, 1998, and commenced a 45-day public review and comment period. During this period, Federal, State and local agencies, community groups and associations, and interested persons submitted oral and written comments concerning the DEIS. Navy held public hearings to receive comments on the DEIS at the James Campbell Building in Kapolei on October 5, 1998, and at the Washington Intermediate School in Honolulu on October 7, 1998.

Navy's responses to the public comments were incorporated in the Final EIS (FEIS), which was distributed to the public on February 5, 1999, for a review period that concluded on March 8, 1999. Navy received five letters commenting on the FEIS.

#### **Alternatives.**

NEPA requires Navy to evaluate a reasonable range of alternatives for the disposal and reuse of this surplus Federal property. In the FEIS, Navy analyzed the environmental impacts of four reuse alternatives. Navy also evaluated a "No Action" alternative that would leave the property in caretaker status with Navy maintaining the physical condition of the property, providing a security force, and making repairs essential to safety.

In a letter to the Department of Defense's Office of Economic Adjustment dated September 28, 1993, the State of Hawaii, acting as the LRA, and the City and County of Honolulu jointly established the Barbers Point Naval Air Station Reuse Committee. In Executive Order No. 94-98 dated December 2, 1994, the Governor of Hawaii, John Waihee, established the Barbers Point Naval Air Station Redevelopment Commission to prepare a redevelopment plan for the base. The Redevelopment Commission solicited expressions of interest in the property and received notices of interest from State, City, and County agencies, private businesses, homeless assistance providers, and nonprofit organizations. After the Redevelopment Commission evaluated these notices of interest, it developed three reuse proposals: a Large Airport Alternative, a Small Airport Alternative, and a "No Airport" Alternative.

In August 1996, the Redevelopment Commission solicited comments concerning the three reuse proposals at four public hearings held in various places on Oahu. In response to these comments, the Redevelopment Commission developed a fourth alternative that adopted parts of the Large and Small Airport Alternatives. During a public hearing on September 17, 1996, the Redevelopment Commission solicited comments concerning this composite alternative. On October 8, 1996, the Commission adopted the composite alternative as its reuse plan and approved the Naval Air Station Barbers Point Community Redevelopment Plan. In a letter to the Redevelopment Commission dated December 23, 1996, Governor Benjamin Cayetano accepted the Redevelopment Commission's recommendations with certain modifications.

On December 11, 1997, the Redevelopment Commission modified the Redevelopment Plan by making additional property available for residential and commercial uses and by changing the use of 65 acres from homeless assistance services to residential purposes. Additionally, the 5.7-acre parcel of land that contains Building 1 was incorporated in the Redevelopment Plan and designated for commercial and residential uses. In a memorandum to the Governor dated December 17, 1997, the Redevelopment Commission submitted Community Redevelopment Plan Amendment 1 and on December 23, 1997, Governor Cayetano approved this amendment by endorsing the memorandum dated December 17, 1997.

On December 10, 1998, the Redevelopment Commission modified the Redevelopment Plan a second time by changing the use of five acres in the center of the base from a public facility to a park and by making minor changes to the proposed roadway system. In a memorandum received by the State of Hawaii on February 5, 1999, the Redevelopment Commission submitted Community Redevelopment Plan Amendment 2 to Governor Cayetano. On March 17, 1999, Governor Cayetano approved this amendment by endorsing the memorandum received on February 5, 1999.

The Redevelopment Plan, identified in the FEIS as the Preferred Alternative, proposed a mix of land uses. The Preferred Alternative would use the runways, hangars, and related maintenance buildings, covering 702 acres, as an airport that would serve civilian general aviation and aviation operations of the Coast Guard and the Hawaii Army National Guard. This Alternative would use 165 acres for residential purposes; 515 acres for light industrial activities; 33 acres for educational and public facilities; 686 acres for parks and recreational activities; and 29 acres for roads, open space, and utilities. It will be necessary to make extensive utility infrastructure and roadway improvements to support the Redevelopment Plan's proposed development of property at Barbers Point.

In the center of the base, the Preferred Alternative proposed to use 702 acres as an airport serving civilian general aviation and aviation operations of the Coast Guard and the Hawaii Army National Guard. The Preferred Alternative would use parts of the two parallel southwest-northeast 8,300-foot runways, *i.e.*, 4,500 feet of runway 4L-22R and 8,000 feet of runway 4R-22L. The 4,500-foot runway would be used for civilian general aviation operations. The 8,000-foot runway would be used for civilian general aviation and military air operations. It would also provide commercial airliners bound for or departing from Honolulu International Airport with an alternate landing site. This Alternative would use 6,000 feet of the northwest-southwest 8,411-foot crosswind runway (runway 11-29) for civilian general aviation and military air operations.

The new airport at Barbers Point would improve the mix of general aviation and commercial aircraft at Honolulu International Airport by diverting some general aviation operations to Barbers Point. By the year 2020, the new airport at Barbers Point would serve about 60 percent (78,000)

of the small single-engine and light twin-engine propeller aircraft operations that would otherwise use Honolulu International Airport. It would also serve about 50 percent (27,900) of those kinds of aircraft operations that would otherwise use Dillingham Airfield, a general aviation facility on Oahu's north shore, and 62,700 general aviation training operations that previously used the Auxiliary Landing Field at Ford Island in Pearl Harbor. These diverted operations would amount to about 168,600 general aviation operations in the year 2020 on Oahu.

In the year 2020, the new airport at Barbers Point would accommodate about 203,600 air operations per year. These operations would be composed of the 168,600 general aviation operations diverted from Honolulu, Dillingham and Ford Island; about 13,100 Coast Guard and Hawaii Army National Guard operations; and about 21,900 general aviation operations that would be generated each year by the Redevelopment Plan's proposed aviation training school.

North of the airfield, the Preferred Alternative would use 14 acres for residential purposes, 13 acres for homeless assistance services, six acres for commercial activities, seven acres for recreational activities, and 13 acres for educational facilities. Just south of this area, the Preferred Alternative would dedicate seven acres for use as public facilities such as an aviation training school.

In the northeastern part of the base, the Preferred Alternative would use about 346 acres adjacent to the FAA navigation aid for commercial and recreational activities. This Alternative would build an international sports center here for athletic training programs, competitive events, in-transit athlete services, and related activities. The Preferred Alternative would also build a baseball complex, a field sports complex, and a festival center in this area.

In the southeastern and southern parts of the base, the Preferred Alternative would use about 516 acres for commercial and recreational activities. This Alternative would develop the area along the shoreline to provide a regional park, facilities for launching canoes and boats with related amenities, camping grounds, athletic fields, and open space. The Preferred Alternative would redevelop the inland area north of the regional park as a marine park. It would also establish a heritage park west of the marine park to preserve inland areas that contain significant archaeological resources.

In the southwestern part of the base, the Preferred Alternative would build an automobile race track complex on about 161 acres between the western ends of the crosswind runway, Runway 11-29, and one of the parallel runways, Runway 4R-22L. On 42 acres in the southwest corner of the base, across the drainage channel, this Alternative would build a seawater desalinization plant.

In the northwest corner of the base, the Preferred Alternative proposed to use 138 acres south and west of the Navy-retained housing for residential purposes and 13 acres in the northwestern part of the Navy housing area for continuing use of the Barbers Point Elementary School. This Alternative would build light industrial facilities on 123 acres south and west of this residential area.

It would be necessary to make roadway improvements to implement the Redevelopment Plan. These improvements would link the new development to the surrounding communities of Kapolei and Ewa Marina.

Navy analyzed a second "action" alternative, described in the FEIS as the Large Airport Alternative. In the center of the base, the Large Airport Alternative proposed to use 961 acres as an airport that would serve civilian general aviation, the Coast Guard, and the Hawaii Army National Guard. This Alternative would use the entire lengths of the existing parallel and crosswind runways and would support the same volume and kinds of operations as the Preferred Alternative. All three runways would be available as alternative landing sites for commercial airliners.

North of the airfield, the Large Airport Alternative proposed residences, homeless assistance services, commercial facilities, recreational activities, and educational facilities. The locations and configurations would be the same as in the Preferred Alternative.

In the northeastern part of the base, the Large Airport Alternative proposed a mix of residential, commercial, and light industrial uses. This Alternative would provide a residential area outside the perimeter of the FAA navigation aid. It would build light industrial facilities south and west of this residential area. The property west of the residential area adjacent to the FAA navigation aid would also be used for a State correctional facility.

In the southeastern and southern parts of the base, this Alternative proposed to redevelop the area along the shoreline for use as a regional park and beach with camping grounds. Under this Alternative, recreational and athletic

fields would be built north and inland of the shoreline facilities. It would also build a marine park west of the regional park, a heritage park north of the marine park, and an amphitheater north of the regional park and east of the heritage park.

In the southwestern part of the base, between the western ends of the crosswind runway (Runway 11-29) and one of the parallel runways (Runway 4L-22R), the Large Airport Alternative would build an automobile race track complex. On 42 acres in the southwest corner of the base, across the drainage channel, this Alternative would build a seawater desalinization plant.

In the northwest corner of the base, the Large Airport Alternative would use the property adjacent to the Navy-retained housing for residential purposes and would continue to use the Barbers Point Elementary School. This Alternative would build light industrial facilities in the areas south and west of this residential area.

Navy analyzed a third "action" alternative described in the FEIS as the Small Airport Alternative. In the center of the base, the Small Airport Alternative proposed to use 701 acres as an airport that would serve civilian general aviation, the Coast Guard, and the Hawaii Army National Guard. This Alternative would use parts of the two parallel 8,330-foot runways, *i.e.*, 8,000 feet of Runway 4L-22R and 3,700 feet of Runway 4R/22L. The 8,000-foot runway would provide an alternative landing site for commercial airlines. The 3,700-foot runway would be used for civilian general aviation operations. This Alternative would not operate the crosswind runway. It would provide airport facilities to accommodate the same kinds and volume of air operations proposed by the Preferred Alternative and the Large Airport Alternative.

North of the airfield, the Small Airport Alternative proposed residences, homeless assistance services, commercial activities, recreational activities, and educational facilities. The locations and configurations would be the same as in the Preferred Alternative.

In the northeastern part of the base adjacent to the FAA navigation aid, the Small Airport Alternative proposed to build an international sports center, a baseball complex, a field sports complex, a festival center, and fairgrounds.

In the southeastern and southern parts of the base, the Small Airport Alternative would redevelop the area along the shoreline for use as a recreational beach with a picnic area and camping grounds. Under this

Alternative, a marine park, a rowing regatta facility, and recreational and athletic fields would be built north and inland of the shoreline facilities. This Alternative would develop the inland area west and northwest of the marine park for use as an amphitheater and as a heritage park. It would build athletic fields north of the marine park, adjacent to the eastern parcel of the Pearl Harbor National Wildlife Refuge's Barbers Point Unit.

In the southwestern part of the base, the Small Airport Alternative proposed to use 10 acres west of the Coast Guard property to train fire fighters. This Alternative would use 42 acres at the southwest corner of the base, across the drainage channel, for a seawater desalinization plant and for light industrial facilities. Unlike the Preferred Alternative, the Small Airport Alternative would not build an automobile race track complex.

In the northwest corner of the base, the Small Airport Alternative proposed to use property adjacent to the Navy-retained housing for residential purposes and to continue using the Barbers Point Elementary School. The areas south and west of this residential area would be used to build light industrial facilities. The area north of the Navy-related landfill could be used for a State correctional facility.

Navy analyzed a fourth "action" alternative described in the FEIS as the "No Airport" Alternative. In the "No Airport" Alternative, the acquiring entity would direct and market the redevelopment of NAS Barbers Point for non-aviation uses. All of the aviation facilities on the surplus property would be modified to serve non-aviation purposes or would be demolished. Thus, it would be necessary for the Coast Guard to move its fixed wing and rotary air operations to another site on the island of Oahu. The Hawaii Army National Guard could operate its helicopters on the property previously occupied by the Coast Guard.

In the center of the base, the "No Airport" Alternative proposed to build recreational facilities. These facilities would include an international sports center and a baseball complex. North of the baseball complex, the "No Airport" Alternative proposed residences, homeless assistance services, commercial facilities, recreational activities, and educational facilities. The locations and configurations would be the same as in the Preferred Alternative.

In the northeastern part of the base, the "No Airport" Alternative would use the property adjacent to the FAA navigation aid for residential and recreational purposes. This Alternative

would build residential units, a festival center, fairgrounds, a marine park and an amphitheater in this area.

In the southeastern part of the base, the "No Airport" Alternative proposed parks, commercial and recreational uses. This Alternative would build a rowing regatta facility, a recreational beach, camping grounds and athletic fields. North and inland of the shoreline facilities, this Alternative would build a heritage park and additional athletic fields.

In the southwestern part of the base, the "No Airport" Alternative would use the property for commercial and light industrial activities. These could include an automobile race track complex, an electric power plant, and a State correctional facility. It would build a fire fighter training facility on the same 42-acre parcel in the southwest corner of the base, across the drainage channel, where the Preferred Alternative would build a seawater desalinization plant.

In the western part of the base south of the Navy-retained housing, the "No Airport" Alternative proposed to build recreational facilities. This Alternative also proposed to continue using the Barbers Point Elementary School in the northwestern part of the base.

### Environmental Impacts

Navy analyzed the direct, indirect, and cumulative impacts of the disposal and reuse of this surplus Federal property. The FEIS addressed the impacts of the Preferred Alternative, the Large Airport Alternative, the Small Airport Alternative, the "No Airport" Alternative, and the "No Action" Alternative for each alternative's effects on geology, topography and soils, groundwater quality, surface water quality, air quality, noise, visual resources, transportation, biological resources, cultural resources, public health and safety, public services, socioeconomics (including population, employment, income, housing, recreation, and environmental justice), and infrastructure, including potable water, non-potable water, wastewater, drainage, electricity, solid waste, and communications. This Record Of Decision focuses on the impacts that would likely result from implementation of the Redevelopment Plan, identified in the FEIS as the Preferred Alternative.

The Preferred Alternative would not have any significant impact on soils and would not have any impact on local or regional geological resources or topography. The soil at Barbers Point is not susceptible to erosion because it is shallow and highly permeable.

Disturbances to soils such as compaction, rutting, and erosion would be limited to the particular areas that would be redeveloped. These impacts would be temporary and can be minimized during construction by the use of standard soil erosion and sedimentation control measures such as the use of hay bales and silt fences.

The Preferred Alternative would not have any significant impact on the availability or quality of groundwater. The groundwater at NAS Barbers Point is brackish and not suitable for public consumption or irrigation without desalinization. Airport operations and light industrial activities would not affect the groundwater, because operational controls such as containment of chemical and fuel storage areas as well as maintenance activities would be imposed. These controls are specified in existing laws and regulations governing industrial and construction-related runoff.

The Preferred Alternative would not have a significant impact on surface waters. The Pacific Ocean, Ordy Pond, the coastal salt flat, and the seasonal wetland would not be significantly affected by construction activities if standard soil erosion and sedimentation control measures required by existing laws and regulations were implemented.

Stormwater discharge from new light industrial activities, roadways, parking areas, and routine operations and maintenance in developed areas (such as the application of herbicides and pesticides) could have adverse impacts on surface water quality. In accordance with Federal, State, and local laws and regulations, the acquiring entities will implement stormwater management practices to minimize these potential impacts. There could also be significant cumulative impacts on surface water quality arising out of the regional drainage from surrounding communities.

The Preferred Alternative would not have any significant impact on air quality. Compliance with regulatory requirements that control emissions such as the Clean Air Act, 42 U.S.C. § 7401-7671q (1994), and the Hawaii Administrative Rules, Chapter 11-60.1, Air Pollution Control, would prevent significant impacts from stationary sources. Additionally, there would not be any significant regional or local impact on air quality from mobile sources if the roadway improvements described in the FEIS were implemented. Finally, emissions from aircraft operations would be substantially less than when the Naval Air Station was operating.

The Preferred Alternative would not have any significant impact on noise. Exposure to noise from aircraft operations would be substantially less than when the Naval Air Station was operating. This decrease results from the significant reduction in annual jet aircraft operations proposed under the Preferred Alternative. Additionally, aircraft noise levels would not exceed the State of Hawaii's standards for airport operations that affect residential areas.

During reuse there would be an increase in ambient noise levels arising out of the non-aviation activities. These activities, however, must comply with the Hawaii Administrative Rules, Chapter 11-46, Community Noise Control. Moreover, in accordance with Chapter 343 of the Hawaii Revised Statutes (1996), redevelopment projects would be evaluated in either an environmental assessment or an environmental impact statement before development could begin.

The Preferred Alternative would not have any significant impact on visual resources. The development of shoreline parks would increase public access to the coastal area and would not obstruct views of the Pacific Ocean and coastal landmarks from inland areas.

The Preferred Alternative would not have any significant impact on transportation except when special events were held. By the year 2020, this Alternative would generate about 49,100 average daily trips compared with 27,300 average daily trips that were associated with Navy's use of the property. With the roadway improvements described in the FEIS, this increase in daily traffic could be accommodated. However, traffic generated by events at the automobile race track complex and at the festival center would have significant impacts even if traffic control measures and parking plans were implemented.

The Preferred Alternative would not have any significant impact on biological resources. Navy held informal consultations with the United States Fish and Wildlife Service and the National Marine Fisheries Service under Section 7 of the Endangered Species Act of 1973 (ESA), 16 U.S.C. 1536 (1994). In a letter dated December 1, 1998, the Fish and Wildlife Service concurred with Navy's determination that the disposal and reuse of NAS Barbers Point is not likely to adversely affect the one Federally listed endangered plant there, the akoko shrub (*Chamaesyce skottsbergii* var. *skottsbergii*). The Service's concurrence was based upon Navy's assurance that the conveyance of property to the State of Hawaii and the

City and County of Honolulu on which the akoko is known to exist will be made through the Department of the Interior. Navy will inform Interior about its responsibility under Section 7 of ESA to consult with the Service regarding the potential effects on the akoko of conveying the property to the State and City and County of Honolulu.

The Preferred Alternative could have construction-related impacts on coastal waters where the Federally listed and State-listed threatened green sea turtle (*Chelonia mydas*) is found. Impacts from surface water runoff generated by construction can be avoided or reduced by the use of stormwater control measures required by existing laws and regulations. In a letter dated November 25, 1998, the National Marine Fisheries Service concurred with Navy's determination that the disposal and reuse of NAS Barbers Point is not likely to adversely affect Federally listed species or critical habitat unless changes or improvements associated with reuse increase the amount of stormwater runoff. Thus, increases in stormwater runoff generated by activities under the Preferred Alternative could require the acquiring entities to build stormwater disposal facilities.

The Preferred Alternative would not have any significant impact on cultural resources. Pursuant to Section 106 of the National Historic Preservation Act of 1966 (NHPA), 16 U.S.C. 470f (1994), Navy conducted a cultural resource assessment and determined that 62 archaeological sites and 64 structures are eligible for listing on the National Register of Historic Places. The archaeological sites and historic structures will be protected by covenants in the deeds conveying the property. These covenants will require prior written approval from the State Historic Preservation Officer (SHPO) before any action may be taken that would affect those properties.

In addition, Hawaii's historic preservation program, set forth in Hawaii Revised Statutes, Chapter 6E, requires a consultative process by State and City agencies with the SHPO similar to that prescribed by Section 106 of the NHPA for Federal agencies. The State Historic Preservation Officer and the Advisory Council on Historic Preservation, in letters dated December 18, 1998 and January 11, 1999, respectively, concurred with Navy's determination that the disposal and reuse of NAS Barbers Point would not have an adverse effect on the archaeological sites and historic structures if the conveyance documents incorporate protective covenants.

The Preferred Alternative would not have any significant impact on public health and safety. Implementation of this Alternative would not have any significant impact on existing environmental contamination at NAS Barbers Point. Navy will inform future property owners about the environmental condition of the property and may, where appropriate, include restrictions, notifications, or covenants in deeds to ensure the protection of human health and the environment in light of the intended use of the property.

In the northwestern part of the base, near Campbell Industrial Park, the Preferred Alternative proposed to build residential units. The operations of the Industrial Park would not pose a significant health and safety risk to residents of this area. However, in the unlikely event of a catastrophic incident at Campbell Industrial Park, such as the release of large quantities of toxic contaminants or flammable material, there could be a significant impact on public health and safety. In a letter to the State of Hawaii's Department of Business, Economic Development and Tourism dated December 20, 1996, the State's Department of Health discouraged planners from locating residential units near Campbell Industrial Park.

The proposed airport operations must conform to Federal Aviation Administration safety standards and design criteria that require adequate safety measures to protect people and property. The proposed air operations would not adversely affect public health and safety.

The Preferred Alternative would not have any significant impact on most public services. Existing police, fire and health care services are sufficient to accommodate the proposed reuse. However, under the Preferred Alternative, the number of elementary school students would nearly double and there would be smaller increases of intermediate and high school students. The acquiring entities can mitigate this significant impact by increasing the capacity of Barbers Point Elementary School; by building an additional elementary school; and by redistricting and reallocating student populations. These measures would also mitigate the cumulative impacts on education arising out of new residential development planned for the nearby Ewa area of Oahu.

The Preferred Alternative would have significant beneficial socioeconomic impacts. The proposed redevelopment would increase employment and provide additional recreational opportunities and housing. The

Preferred Alternative would create 3,600 direct jobs and 3,400 indirect jobs that would generate about \$197 Million in direct and indirect income. The additional parks and recreational areas would be made available to the public. The proposed residential areas would increase the amount of affordable housing on the island.

The Preferred Alternative would generate a 4,000-person increase in the local population. However, since this increase would represent less than two percent of this area's population, it would not cause any adverse effects.

The Preferred Alternative would not have any significant impact on potable water, non-potable water, wastewater, solid waste, electricity, and communications. Oahu's capacity for these services is adequate to support the Redevelopment Plan.

The Preferred Alternative would not have any significant impact on stormwater drainage. Increases in stormwater runoff could result from the construction of additional impervious surfaces. The acquiring entities can mitigate this impact by building stormwater disposal facilities or a drainage system of pipes that would carry stormwater to the ocean.

Navy analyzed the Redevelopment Plan's proposed regional drainage channel in the FEIS and concluded that additional studies and comments from affected parties would be required to resolve the regional drainage issue. The drainage channel proposed in the Preferred Alternative would redirect off-base stormwater runoff to the base property. This drainage channel has not been formally considered or approved by Navy, the City and County of Honolulu, or affected Ewa landowners. Directing off-base runoff to the base, as proposed in the Preferred Alternative, may restrict certain proposed reuse activities and adversely affect military activities on property retained by Navy. These restrictions could reduce the amount of property designated for residential, commercial, and light industrial purposes. Additionally, if upstream contaminants were carried in the stormwater runoff to Navy-owned property, responsibility for remediation could become an issue. These impacts could be avoided by allowing runoff from the upstream area to follow its natural drainage pattern and flow down to the Ewa Marina area, rather than by redirecting the flow as proposed in the Preferred Alternative.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 3 C.F.R. 859 (1995), requires that Navy determine

whether any low-income and minority populations will experience disproportionately high and adverse human health or environmental effects from the proposed action. Navy analyzed the impacts on low-income and minority populations pursuant to Executive Order 12898. The FEIS addressed the potential environmental, social, and economic impacts associated with the disposal of NAS Barbers Point and subsequent reuse of the property under the various proposed alternatives. Minority and low-income populations residing within the region will not be disproportionately affected. Indeed, the employment opportunities, housing and public services created by implementing the Preferred Alternative would have beneficial effects.

Navy also analyzed the impacts on children pursuant to Executive order 13045, Protection of Children from Environmental Health Risks and Safety Risks, 3 CFR 198 (1998). Under the Preferred Alternative, the largest concentration of children would be present in the residential and recreational areas. The Preferred Alternative would not impose any disproportionate environmental health or safety risks on children. However, in the unlikely event of a catastrophic incident at Campbell Industrial Park, such as the release of large quantities of toxic contaminants or flammable material, there could be disproportionate health and safety risks to children living in the nearby residential area.

### Mitigation

Implementation of Navy's decision to dispose of NAS Barbers Point does not require Navy to implement any mitigation measures. Navy will take certain actions to implement existing agreements and regulations. These actions were treated in the FEIS as agreements or regulatory requirements rather than as mitigation.

The FEIS identified and discussed those actions that will be necessary to mitigate the impacts associated with the reuse and redevelopment of Naval Air Station Barbers Point. The acquiring entities, under the direction of Federal, State, and local agencies with regulatory authority over protected resources, will be responsible for implementing necessary mitigation measures.

### Comments Received on the Final EIS

Navy received comments on the Final EIS from the United States Coast Guard, the State Historic Preservation Officer, the City and County of Honolulu Fire Department, the Barbers Point Naval Air Station Redevelopment Commission,



and one individual. These comments concerned issues already discussed in the FEIS and do not require further clarification.

### Regulations Governing the Disposal Decision

Since the proposed action contemplates a disposal under the Defense Base Closure and Realignment Act of 1990 (DBCRA), Public Law 101-510, 10 U.S.C. 2687 note (1994), Navy's decision was based upon the environmental analysis in the FEIS and application of the standards set forth in the 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 174 and 175.

Section 101-47.303-1 of the FPMR requires that disposals 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 historic 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 affect 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 the DBCRA directs the Secretary of Defense to exercise this authority in accordance with GSA's property disposal

regulations, set forth in Part 101-47 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 the 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 the DBCRA, may Navy apply disposal procedures other than those in the FPMR.

In Section 2901 of the National Defense Authorization Act for Fiscal Year 1994, Pub. L. 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 the 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 174.4 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 LRA's reuse plan and encourage job creation. As a part of this cooperative approach, the base closure community's interests, as 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 175.7(d)(3) of the DoD Rule provides that the LRA'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 (1994), as implemented by

the FPMR, identifies several mechanisms for disposing of surplus base closure property: by public benefit conveyances (FPMR Sec. 101-47.303-2); by negotiated sale (FPMR Sec. 101-47.304-9); and by competitive sale (FPMR Sec. 101-47.304-7). Additionally, in Section 2905(b)(4), the DBCRA established economic development conveyance 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 left to the Federal agency's 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 LRA's proposed reuse of NAS Barbers Point, reflected in the Redevelopment Plan, is consistent with the prescriptions of the FPMR and Section 174.4 of the DoD Rule. The LRA has determined in its Redevelopment Plan that the property should be used for various purposes including aviation, residential, community, industrial, commercial, public, park and recreational uses. 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 Preferred Alternative responds to local economic conditions, promotes rapid economic recovery from the impact of the Naval Air Station's closure, and is consistent with President Clinton's Five-Part Plan for Revitalizing Base Closure Communities, which emphasizes local economic redevelopment and creation of new jobs as the means to revitalize these communities. 32 CFR Parts 174 and 175, 59 FR 16,123 (1994).

Although the "No Action" Alternative has less potential for causing adverse environmental impacts, this Alternative would not take advantage of the property's location, physical characteristics, and infrastructure or the current uses of adjacent property. Additionally, it would not foster local economic redevelopment of the Barbers Point property.

The acquiring entities, under the direction of Federal, State, and local agencies with regulatory authority over protected resources, will be responsible for adopting practicable means to avoid



or minimize environmental harm that may result from implementing the Redevelopment Plan.

Accordingly, Navy will dispose of the surplus Federal property at Naval Air Station Barbers Point in a manner that is consistent with the State of Hawaii's Redevelopment Plan for the property.

Dated: June 17, 1999.

**William J. Cassidy, Jr.,**

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

Dated: June 25, 1999.

**Ralph W. Corey,**

*CDR, JAGC, USN, Alternate Federal Register  
Liaison Officer.*

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## DEPARTMENT OF ENERGY

### Record of Decision for the Construction and Operation of the Spallation Neutron Source

**AGENCY:** Department of Energy.

**ACTION:** Record of decision.

**SUMMARY:** The Department of Energy (DOE) is issuing this Record of Decision (ROD) regarding DOE's proposal to construct and operate the Spallation Neutron Source (SNS). DOE has decided to proceed with construction and operation of a state-of-the-art Spallation Neutron Source facility at the preferred location, the Oak Ridge National Laboratory, Oak Ridge, Tennessee. This decision is based on the analysis contained in the "Final Environmental Impact Statement for the Construction and Operation of the Spallation Neutron Source" (SNS FEIS, DOE/EIS-0247, April 23, 1999).

**ADDRESSES:** Requests for copies of the Final EIS and this ROD should be directed to: Mr. David Wilfert, EIS Document Manager, U.S. Department of Energy, Oak Ridge Operations Office, 200 Administration Road, 146/SNS, Oak Ridge, TN 37831. Alternately, Mr. Wilfert may be contacted by telephone at (800) 927-9964, by fax at (423) 576-4542, or by email at NSNSEIS@ornl.gov.

**FOR FURTHER INFORMATION CONTACT:** For general information on the Spallation Neutron Source, contact: Mr. Jeff Hoy, SNS Program Manager, Office of Basic Energy Sciences (SC-13), Germantown, MD 20874-1290, telephone: (301) 903-4924, fax: (301) 903-9513, or email: Jeff.Hoy@science.doe.gov.

For general information on DOE's National Environmental Policy Act (NEPA) process, contact: Ms. Carol Borgstrom, Director, Office of NEPA Policy and Assistance (EH-42), U.S.

Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585, telephone: (202) 586-4600, fax: (202) 586-7031.

**SUPPLEMENTARY INFORMATION:** The U.S. Environmental Protection Agency (EPA) issued a Notice of Availability for DOE's Final Environmental Impact Statement on the Construction and Operation of the Spallation Neutron Source (Final EIS, DOE/EIS-0247) on April 23, 1999, (64 FR 19999). In the Final EIS, DOE considered the potential environmental impacts of its proposed action, the construction and operation of the SNS at four alternative sites: Oak Ridge National Laboratory (ORNL), Los Alamos National Laboratory (LANL), Argonne National Laboratory (ANL), and Brookhaven National Laboratory (BNL). The Department identified Oak Ridge as its preferred alternative site. DOE also considered a no action alternative under which the SNS would not be built. DOE has considered all of the comments it received during the public comment period. The Final EIS analyzed environmental impacts over the projected life of the facility, both operating at an initial power level of 1 megawatt (MW) and at the maximum potential upgrade power level of 4 MW.

### Background

Scientific discoveries and the new technologies derived from neutron scattering research have contributed significantly to the development of new products in the international marketplace, such as: better magnetic materials for information storage media and for electric generators and motors; improved engine parts; better lubricants; strong, but light-weight structural materials; durable plastics; metallic glasses; semiconductors; adhesives; improved detergents; and new drugs. Neutron research and the associated scientific, engineering, and technological advances provide the catalyst for the development of commercial applications and support U.S. economic progress and competitiveness among the industrialized nations of the world. Construction of a next-generation spallation neutron source in the U.S. will provide a competitive edge for the nation in the physical, chemical, materials, biological, and medical sciences.

The U.S. needs a high-flux, short-pulsed neutron source to provide its scientific and industrial research communities with a much more intense source of pulsed neutrons for neutron scattering research than is currently available. The neutron science

community has long recognized the need for both high-intensity, pulsed (accelerator-based) neutron sources and continuous (reactor-based) neutron sources. There are approximately 20 major neutron sources worldwide that produce neutron beams for materials research. The Organization for Economic Cooperation and Development (OECD) Neutron Science Working Group has identified a growing disparity between the worldwide need for neutron scattering research and the availability of facilities. The OECD Working Group estimated that as the oldest neutron sources continue to age, only about one-third of the present sources would remain available by 2010. For nearly a decade, the research community has regarded U.S. facilities as inferior to the newer and more extensively upgraded foreign facilities. The current generation of neutron sources in the United States has lower neutron beam intensities, lower operating powers, and less advanced measuring instruments, when compared to the current "state-of-the-science" (currently technologically feasible and desirable). Thus, next-generation neutron sources are needed not only to create new scientific and engineering opportunities, but also to replace out-dated capacity. Access to European and Japanese neutron sources by U.S. researchers and manufacturers is difficult, unreliable, and costly. The logistics of scheduling time and configuring instrumentation to conduct specialized experiments are prohibitive because of the commuting distances to these facilities. In addition, given the proprietary nature of much of the research desired by U.S. industry, its research cannot be carried out at foreign facilities. A 1 MW state-of-the-art facility like SNS would produce pulses five times more intense than the best spallation source in operation today, the ISIS facility in Great Britain.

### Alternatives Considered and Evaluated

In the Final EIS, DOE proposed to construct and operate the SNS. DOE evaluated five alternatives for this proposed action:

1. Construct and operate the SNS at ORNL;
2. Construct and operate the SNS at LANL;
3. Construct and operate the SNS at ANL;
4. Construct and operate the SNS at BNL; and
5. No Action Alternative: Do not construct the SNS. The United States would continue to use existing neutron science facilities.