Center, National Marine Fisheries Service, 7600 Sand Point Way, NE, BIN C15700, Seattle, WA 98115, has applied in due form for a permit to take Steller sea lions (*Eumetopias jubatus*), northern fur seals (*Callorhinus ursinus*), and harbor seals (*Phoca vitulina richardsi*) for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before December 2, 1999.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668 (907/586–7221); and

Northwest Region, NMFS, 7600 Sand Point Way, NE, BIN C15700, Seattle, WA 98115 (206/526–6165).

FOR FURTHER INFORMATION CONTACT: Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant proposes to take Steller sea lions by harassment during aerial surveys, capture, brand, tissue sample, biopsy and blood sample, attach satellite/VHF transmitters and tag with Allflex tags, and scat collections. The applicant will also conduct behavioral observations and set up remote monitoring stations on rookeries and haulouts. Additionally, northern fur seals will be taken by harassment during Steller sea lion surveys on Bogoslof Island and harbor seals during surveys in the Gulf of Alaska and Aleutian Islands. The applicant indicates that mortalities probably will not occur, but requests authority for up to five accidental moralities.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: October 27, 1999.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–28644 Filed 11–1–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Disposal and Reuse of Naval Air Warfare Center, Aircraft Division, Warminster, PA

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 CFR parts 1500–1508, hereby announces its decision to dispose of Naval Air Warfare Center, Aircraft Division, Warminster (NAWC), which is located in Bucks County, Pennsylvania.

Navy analyzed the impacts of the disposal and reuse of NAWC Warminster in an Environmental Impact Statement (EIS), as required by NEPA. The EIS analyzed four reuse alternatives and identified the Proposed Reuse Plan, Naval Air Warfare Center, Bucks County, approved on June 10, 1997, (Reuse Plan) as the Preferred Alternative. The Preferred Alternative proposed to use the base for residential, commercial, municipal, and assisted living activities; to provide low income and homeless assistance services; to develop public parks and recreational areas; and to build access roads. The Federal Lands Reuse Authority of Bucks County (FLRA) is the Local Redevelopment Authority (LRA) for NAWC Warminster. Department of Defense Rule on Revitalizing Base Closure Communities and Community Assistance (DoD Rule), 32 CFR 176.20(a).

Navy intends to dispose of NAWC Warminster in a manner that is consistent with the Reuse Plan. Navy has determined that the proposed 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 authorities.

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 1991 Defense Base Closure and Realignment Commission recommended the realignment of Naval Air Development Center, Warminster. This recommendation was approved by President Bush and accepted by the One Hundred Second Congress in 1991.

As a result of the 1991 realignment, most of the Warminster Development Center's aircraft systems research and development and test and evaluation functions moved to Naval Air Warfare Center, Aircraft Division, Patuxent River, Maryland. On January 1, 1992, the remaining facilities, *i.e.*, the inertial guidance laboratory (Building 108), the navigation equipment laboratory (Building 125), the communications systems laboratory (Building 138), the dynamic flight simulator (Buildings 70 and 72), the family housing units, and the Oreland Open Water Test Facility, a 15-acre non-contiguous site located about eight miles southwest of NAWC Warminster in Montgomery County, Pennsylvania, were renamed Naval Air Warfare Center, Aircraft Division, Warminster.

The 1995 Defense Base Closure and Realignment Commission modified the 1991 Commission's recommendation by directing Navy to close NAWC Warminster, including the Oreland Open Water Test Facility. The 1995 Commission's recommendation was

approved by President Clinton and accepted by the One Hundred Fourth Congress in 1995. The base closed on September 30, 1996.

With the exception of the Oreland facility, all of the property comprising NAWC Warminster is located in the southern part of Bucks County, Pennsylvania, about 18 miles north of Center City Philadelphia. This property covers 824 acres and lies within three municipalities. Most of the property, about 609 acres, is located in Warminster Township. About 46 acres in the northwest corner of the base are located in Ivyland Borough. The remaining 169 acres in the eastern part of the base are located in Northampton Township. Navy controls an additional 38 acres in Northampton Township by way of easements for air operations. Disposal and reuse of the Oreland Open Water Test Facility in Montgomery County were treated in a separate environmental analysis and document.

The base is oriented along an east-west axis with irregularly shaped borders. It is bounded on the west by a Southeastern Pennsylvania Transportation Authority railroad line; on the north by Kirk Road, Newtown Road, and Bristol Road; on the east by New Road; and on the southwest by Street Road. In the western part of the base, Jacksonville Road crosses the property in a northeast-southwest alignment and connects Kirk Road to Street Road. In the eastern part of the base, Bristol Road crosses the property in a northwest-southeast orientation, and Hatboro Road links Bristol Road to New Road.

Navy will retain certain NAWC Warminster properties, *i.e.*, six single-family houses, 40 multi-family residential units, and related support buildings that serve 205 military families. In August 1995, Navy transferred these properties, covering 67 acres, to Naval Air Station Joint Reserve base, Willow Grove, Pennsylvania.

This Record Of Decision addresses the disposal and reuse of those parts of NAWC Warminster that are surplus to the needs of the Federal Government. This surplus property, covering 757 acres, contains about 162 buildings and structures that provide about 1.7 million square feet of space. The base contains aviation facilities consisting of an 8,000-foot east-west runway, an aircraft parking apron covering about 11 acres, a hangar, an air traffic control tower, and a fire station. The surplus property also contains research and development facilities, laboratory facilities, industrial facilities, administrative offices, personnel support facilities, medical facilities, and recreational facilities.

Navy expects to convey about 287 acres of surplus property in the western part of the base to the Federal Lands Reuse Authority by way of an economic development conveyance. Of that total, about 261 acres located in Warminster Township, including the western end of the runway and the main complex of buildings (Buildings 1, 2, and 3), will be redeveloped as a business complex. About 26 acres located in Ivyland Borough will be redeveloped as a residential area.

The remaining 470 acres of surplus property have been or will be conveyed by way of various kinds of public benefit conveyances. On September 19, 1997, Navy assigned about 125 acres in the eastern end of the base to the United States Department of the Interior for subsequent conveyance to Northampton Township for use as parks and recreational areas. Subsequently, about 32 of those 125 acres were made available for construction of a school and related recreational facilities for the Council Rock School District. On November 18, 1997, Navy assigned about two acres at the northern tip of the eastern end of the base to the United States Department of Education for subsequent conveyance to Northampton Township for use as a fire fighter training facility.

On January 7, 1998, Navy assigned about 38 acres in the eastern part of the base to the United States Department of Health and Human Services for subsequent conveyance to Northampton Township for use as an assisted living facility for senior citizens. On October 27, 1998, Navy assigned about two acres in the eastern end of the base to the United States Department of Health and Human Services for subsequent conveyance to Northampton Township. The Township will build a well on this property to increase the capacity of its existing municipal water system.

On March 18, 1999, Navy assigned about 31 acres and the inertial guidance laboratory (Building 108), located in the south central part of the base, to the United States Department of Education for subsequent conveyance to Pennsylvania State University for use as an applied research laboratory.

Navy will assign about 255 acres in the western and central parts of the base to the United States Department of the Interior for subsequent conveyance to Warminster Township for use as parks and recreational areas, access roads and open space.

Navy will assign nine acres and the base's wastewater treatment plant in the western end of the base to the United States Department of Health and Human Services for subsequent conveyance to the Warminster Municipal Authority. Navy will assign about two acres in the western part of the base adjacent to the dynamic flight simulator (Buildings 70 and 72) to the United States Department of Health and Human Services for subsequent conveyance to Bucks County, which will build a facility for its county coroner.

Of the remaining six acres of surplus Federal property, Navy will assign two acres to a private homeless assistance provider and four acres to Bucks County. They will provide low income and homeless assistance services in accordance with four legally binding agreements between the FLRA and homeless assistance providers that were approved by the United States Department of Housing and Urban Development.

Navy published a Notice Of Intent in the **Federal Register** on September 19, 1995, announcing that Navy would prepare an EIS for the disposal and reuse of NAWC Warminster. On October 12, 1995, Navy held a public scoping meeting at the Longstreth Elementary School in Warminster, and the scoping period concluded on November 1, 1995.

Navy distributed the Draft EIS (DEIS) to Federal, State, and local agencies, elected officials, interested parties, and the general public on January 3, 1997, 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. On January 28, 1997, Navy held a public hearing at the Warminster Township Building to receive comments on the DEIS.

Navy's responses to the public comments were incorporated in the Final EIS (FEIS), which was distributed to the public on December 24, 1998, for a review period that concluded on January 25, 1999. Navy received two 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.

On February 1, 1995, the Board of Commissioners of Bucks County established the Federal Lands Reuse Authority of Bucks County. Bucks

County Ordnance No. 89. The FLRA would prepare a reuse plan for the NAWC Warminster property to be available as a result of the 1991 round of Defense Base Closures and Realignments. In March 1995, the FLGA adopted a proposed reuse plan entitled Naval Air Warfare Center, Bucks County, Pennsylvania, Reuse Plan. Navy identified this initial reuse plan as the Preferred Alternative in the DEIS dated December 1996. In 1997, the FLRA changed its reuse plan and incorporated those parts of the base that Navy had retained under the 1991 realignment but subsequently declared surplus as a result of the 1995 closure decision. The FLRA adopted the Proposed Reuse Plan, Naval air Warfare Center, Bucks County, Pennsylvania, as its final plan on June 10, 1997. FLRA Resolution No. 25–97.

The Reuse Plan, identified in the FEIS as the Preferred Alternative, proposed a mix of land uses. The Preferred Alternative, proposed a mix of land uses. The Preferred Alternative would use 26 acres for residential purposes; 292 acres for a business complex; 38 acres for an assisted living facility; 13 acres for public health and safety facilities; six acres for low income and homeless assistance services; 18 acres for access roads and open space; and 370 acres for parks and recreational activities. This Alternative would not use the runway for aviation activities. It will be necessary to make extensive utility infrastructure and roadway improvements to support the Reuse Plan's proposed redevelopment of NAWC Warminster.

The Preferred Alternative would use 68 acres west of Jacksonville Road for commercial activities. Within these 68 acres on the western end of the property, this Alternative proposed to use the main complex (Buildings 1, 2, and 3) and the dynamic flight simulator (Buildings 70 and 72) for research and development in ways similar to Navy's historical uses of those buildings. In the southeastern part of this area, the Preferred Alternative proposed to use the dispensary (Building 16) for low income and homeless assistance services.

East of Jacksonville Road and north of Street Road, the Preferred Alternative would build a 187-acre business complex providing about 1.5 million square feet of new construction. The Preferred Alternative would use part of the runway to build new access roads to serve this business complex. In the northern part of the complex, this Alternative would use the base's fire station as a municipal fire station. In the southeastern part of this complex, the aircraft flight equipment laboratory (Building 80) would be used for low income and homeless assistance services.

In Ivyland Borough, north of the proposed business complex, east of Jacksonville Road, and southwest of Kirk Road, the Preferred Alternative proposed to build a 26-acre single-family residential complex adjacent to the officers housing retained by Navy. This residential complex would provide between 150 and 200 new homes.

The central part of the base, east of the business complex and southwest of Bristol Road, would be reserved for parks and recreational activities. This area would cover the eastern part of the runway. The parks and recreational areas would extend northwest to the new residential complex and southwest along the 187-acre business complex to the southern boundary of the property. The Preferred Alternative would use Quarters A and Quarters B here for low income and homeless assistance services.

South of the parks and recreational areas and adjacent to the enlisted housing retained by Navy, the Preferred Alternative proposed to use 37 acres for another business complex that would include use of the inertial guidance laboratory (Building 108) in a manner similar to Navy's historical use of that building.

On 125 acres at the eastern end of the base in Northampton Township, the Preferred Alternative would develop parks and recreational areas. On two acres at the northern tip of the eastern end of the base, this Alternative would build a fire station. At the eastern end of the base, it would build a municipal drinking water well and pump facility. On the remaining surplus property, north of Hatboro Road, it would build as assisted living facility on 38 acres that would support about 500 senior residents.

Navy analyzed a second ''action'' alternative, described in the FEIS as the University/Institutional Alternative. This Alternative was identified in the DEIS as the Preferred Alternative and reflects the FLRA's March 1995 reuse plan. The University/Institutional Alternative proposed land uses similar to those in the Reuse Plan, but provided more intense development and less parks and recreational areas.

West of Jacksonville Road, the University/Institutional Alternative would use 46 acres to develop a business complex. This Alternative also proposed to use the dynamic flight simulator (Buildings 70 and 72) for research and development in a manner similar to Navy's historical use of those buildings. Additionally, it proposed to build university and institutional facilities on 12 acres west of Jacksonville Road. On these 12 acres, the navigation equipment laboratory (Building 125) and the communications systems laboratory (Building 138) would also be used for university and institutional activities. This Alternative proposed to use Building 16 west of Jacksonville Road for low income and homeless assistance services.

On 159 acres east of Jacksonville Road, the University/Institutional Alternative would build an industrial and business complex providing 1,850,000 square feet of new construction. On the southern end of this complex, it proposed to build a 50,000 square foot hotel and conference center on ten acres facing Street Road. On the northern edge of the complex, this Alternative would use the base's fire station as a municipal fire station. In the southeastern part of the complex, this Alternative proposed to use Building 80 for low-income and homeless assistance services. It would also maintain open space along the boundary between the hotel and Building 80.

In Ivyland Borough, north of the business complex, east of Jacksonville Road, and southwest of Kirk Road, the University/Institutional Alternative proposed to build a 26-acre single-family residential complex adjacent to the officers housing retained by Navy. This residential complex would provide between 150 and 200 new homes.

East of this residential area and south of Kirk Road, the University/Institutional Alternative would provide 25 acres for municipal purposes. This Alternative would also use parts of the runway and aircraft parking apron to build new access roads.

The central part of the base, east of the industrial/business complex and the municipal area and south of Kirk Road, Newtown Road, and Bristol Road, would be reserved for parks and recreational activities. This area would cover the eastern part of the runway. The University/Institutional Alternative would use Quarters A and Quarters B here for low income and homeless assistance services.

The University/Institutional Alternative would use the inertial guidance laboratory (Building 108), located south of the parks and recreational areas and adjacent to the enlisted housing retained by Navy, in a manner similar to Navy's historical use of that building. Northeast of the laboratory, this Alternative would use 84 acres to build an educational complex serving about 2,000 students.

On 125 acres at the eastern end of the base in Northampton Township, the University/Institutional Alternative would develop parks and recreational areas. On the northern and eastern tips of the eastern end of the property, this Alternative would provide five acres for municipal uses. On the remaining surplus property, north of Hatboro Road, it would build an assisted living facility on 38 acres that would support about 500 senior residents.

Navy analyzed a third ''action'' alternative, described in the FEIS as the Residential Alternative. Under this Alternative, the property east of Jacksonville Road would be developed for residential uses and recreational facilities.

West of Jacksonville Road, the Residential Alternative would use 46 acres to develop a business complex. This Alternative also proposed to use the dynamic flight simulator (Buildings 70 and 72) for research and development in a manner similar to Navy's historical use of those buildings.

Additionally, it proposed to use 12 acres and Buildings 125 and 138 for university and institutional activities. This Alternative also proposed to use Building 16 west of Jacksonville Road for low income and homeless assistance services.

On 65 acres east of Jacksonville Road, the Residential Alternative would build an industrial and business complex providing about 636,000 square feet of new construction. Northeast of the complex, this Alternative would use the base's fire station as a municipal fire station.

In Ivyland Borough, northeast of the business complex, east of Jacksonville Road, and southwest of Kirk Road, the Residential Alternative proposed to build a 26-acre single-family residential complex adjacent to the officers housing retained by Navy. This residential complex would provide about 175 new homes. East of the residential area and the industrial/business complex, the Residential Alternative would develop parks and recreational areas.

In the central part of the base, east of the parks and recreational areas and southwest of Bristol Road, the Residential Alternative would build a 250-acre golf course and residential community consisting of 400 residential units. This area would cover the eastern part of the runway. This Alternative would use Quarters A and Building 80 here for low income and homeless assistance services.

Southwest of the golf course community and east of the industrial and business complex and parks and recreational areas, the Residential Alternative would reserve open space. South of the golf course community, this Alternative would develop additional parks and recreational areas. This Alternative would use Quarters B here for low income and homeless assistance services. South of the golf course community, between the additional parks and recreational areas and the enlisted housing retained by Navy, it would use the inertial guidance laboratory (Building 108) in a manner similar to Navy's historical use of that building.

On 125 acres at the eastern end of the base in Northampton Township, the Residential Alternative would develop additional parks and recreational areas. On the remaining surplus property, north of Hatboro Road, this Alternative would build an assisted living facility on 38 acres that would support about 500 senior residents.

Navy analyzed a fourth ''action'' alternative, described in the FEIS as the Aviation Alternative. Using 3,800 feet of the 8,000-foot runway, this Alternative would develop a general aviation airport on 168 acres. The airport would support single engine and twin engine propeller aircraft and light cargo turboprop aircraft. By the year 2010, projected air operations for this airport could range from 20,400 to 215,500 general aviation operations annually.

The remainder of the surplus property would be dedicated to uses compatible with a general aviation airport. These uses would include 58 acres for a business complex; 284 acres for industrial and commercial activities; ten acres for a hotel and conference center; 162 acres for parks and recreational activities; and 41 acres for access roads and open space. This Alternative would develop more intense industrial, research and development, and aviation activities than the other reuse alternatives.

West of Jacksonville Road, the Aviation Alternative would build a business complex on 58 acres. This Alternative proposed to use the dynamic flight simulator (Buildings 70 and 71) for research and development in a manner similar to Navy's historical use of those buildings. It also proposed to use Building 16 west of Jacksonville Road for low income and homeless assistance services.

East of Jacksonville Road, north and east of the runway, and southwest of Bristol Road, the Aviation Alternative would use 284 acres to develop a 4,900,000 square foot industrial and business complex. This Alternative would use Quarters A here for low income and homeless assistance services. South of the runway, the Alternative would use 77 acres to support aviation operations with hangars, maintenance facilities, and aircraft tiedown areas. It would also use seven acres here to build a passenger terminal.

On the southern end of the property, south of the aviation support facilities, this Alternative proposed to build a 50,000 square foot hotel and conference center on ten acres facing Street Road. East of the passenger terminal, it would use Building 80 and Quarters B for low income and homeless assistance services. This Alternative would maintain open space along the boundary between the hotel and Building 80.

South of the industrial and business complex, between the aviation support facilities and the enlisted housing retained by Navy, the Aviation Alternative would use the inertial guidance laboratory (Building 108) in a manner similar to Navy's historical use of that building. On 162 acres at the eastern end of the base in Northampton Township, this Alternative would develop parks and recreational activities.

Environmental Impacts

Navy analyzed the direct, indirect, and cumulative impacts of the disposal and reuse of this surplus Federal property. The EIS addressed impacts of the Preferred Alternative, the University/Institutional Alternative, the Residential Alternative, the Aviation Alternative, and the ''No Action'' Alternative for each alternative's effects on land use, socioeconomics, community services, transportation, air quality, noise, infrastructure, cultural resources, natural resources, and petroleum and hazardous substances. This Record of Decision focuses on the impacts that would likely result from implementation of the Reuse Plan, identified in the FEIS as the Preferred Alternative.

The Preferred Alternative would not have an significant impact on land use. Implementation of the Preferred Alternative would result in the continuing use and further development of the property as a technology research and development center. There would be more commercial, industrial, and office activities, additional housing (for single-family) and assisted living), various municipal activities, and extensive parks and recreational areas.

The existing airfield would not be used, and parts of the runway would be converted into roadways and parking areas. Access to the property would be gained from the existing roadway network of Jacksonville Road, Street

Road, Kirk Road, Newton Road, Bristol Road, Hatboro Road, and New Road.

The land uses proposed in the Preferred Alternative would be generally compatible with each other and with adjacent off-base land uses. However, development of the new facilities and activities would result in a substantial increase in use of the property's open space and a significant change from the existing airfield to various proposed uses. Zoning changes will be required for the assisted living facility, the parks and recreational areas, the firehouse, and the municipal well. In Ivyland Borough, it would be necessary to rezone the proposed site of the Reuse Plan's 150 to 200 housing units to accommodate the resultant increase in residential density.

The Reuse Plan would not have any significant impact on the socioeconomics of the surrounding area. The Preferred Alternative would build 150 to 200 new homes in that part of NAWC Warminster located in Ivyland Borough, providing housing for an additional 400 to 600 persons. The proposed 250,000 square foot assisted living facility would provide housing for about 500 senior residents.

By the year 2010, this Alternative would create about 6,850 direct jobs and 7,504 indirect jobs that would generate about $181 million in direct payroll earnings and $151 million in indirect earnings. The Preferred Alternative would also generate an estimated $1.305 million annually in property tax revenue.

The Preferred Alternative would not have any significant impact on community services. By the year 2010, the Preferred Alternative would generate an increase of 1,610 school age children living in the area. Since this increase in student population would not be reached until the year 2010, there is sufficient time for local school districts to prepare for this impact from the reuse of NAWC Warminster as well as other unrelated demographic changes in the region. Additionally, property tax revenues that support local school systems would increase as property previously owned by the Federal Government became taxable.

The redevelopment of NAWC Warminster would increase the demand on local communities for fire and police protection services. Closure of the Navy fire station on the base resulted in dissolution of the mutual aid agreements among local fire departments. Thus Warminster Township is considering hiring full-time fire department employees to supplement the volunteers who currently provide fire protection services. It would also be necessary for Ivyland Borough to expand its fire and police protection services to accommodate the redevelopment of NAWC Warminster. However, implementation of the Preferred Alternative would increase local government revenues by expanding the property tax base, and these revenues would assist in expanding fire and police protection services.

The Preferred Alternative would increase the number of recreational facilities in the region. Under this Alternative, additional passive recreational resources, such as nature and picnic areas and athletic fields, would be available to the public.

The Preferred Alternative would have a significant impact on transportation. By the year 2010, this Alternative would generate about 15,370 average daily trips. The traffic generated by the Reuse Plan would cause considerable delays at eight intersections in the vicinity of NAWC Warminster. Six of these intersections would operate at unacceptable levels of service during peak commuting hours. Implementing mitigation measures, such as signal modifications, additional lanes, staggered work hours, and ride sharing, could reduce the traffic impacts. Even with these improvements, however, there would be significant impacts at certain intersections for which mitigation is not feasible.

The Preferred Alternative would not have any significant impact on air quality. The base is located in a severe nonattainment area for ozone as regulated by the Clean Air Act, 42 U.S.C. 7401–7671a (1994). Ozone, commonly known as smog, is produced when volatile organic compounds and nitrogen oxides react in the atmosphere. The base is in attainment for all other common air pollutants regulated under the Clean Air Act. However, emissions of one common air pollutant, carbon monoxide (CO), would increase under the Reuse Plan.

Carbon monoxide is produced by the burning of fossil fuels. As a result of increased vehicular traffic moving to and from the property, the annual emissions of CO would increase under the Reuse Plan. Nevertheless, there would be no violation of the national standards for carbon monoxide.

The impact on air quality that could arise from sources of stationary emissions, such as heating units, would depend upon the nature and extent of activities conducted on the property. Developers of future facilities would be responsible for obtaining the required air permits and for complying with Federal, State and local laws and regulations governing air pollution. Temporary impacts on air quality resulting from construction activities would not be significant.

Section 176(c) of the Clean Air Act, 42 U.S.C. 7506 (1994), requires Federal agencies to review their proposed activities to ensure that these activities do not hamper local efforts to control air pollution. Section 176(c) prohibits Federal agencies from conducting activities in air quality areas such as Bucks County that do not meet one or more of the national standards for ambient air quality, unless the proposed activities conform to an approved implementation plan. The United States Environmental Protection Agency regulations implementing Section 176(c) recognize certain categorically exempt activities. Conveyance of title to real property and certain leases are categorically exempt activities. 40 CFR 93.153(c)(2) (xiv) and (xix). Therefore, the disposal of NAWC Warminster will not require Navy to conduct a conformity determination.

The Preferred Alternative would not have any significant impact on noise. During reuse, a gradual increase in ambient noise levels would arise out of the increased vehicular traffic. At four of the six sites analyzed, noise increases in the early morning hours would be perceptible to the human ear, *i.e.*, greater than three decibels. However, the existing noise levels near the residential areas are typical of a suburban neighborhood and are already high.

The Preferred Alternative would not have any significant impact on infrastructure and utilities. It would be necessary gradually to replace and upgrade the electrical distribution system. The Reuse Plan's projected daily demand for potable water would exceed Navy's historical usage and would require additional sources of water. It would be necessary to extend the Warminster Municipal Authority's water distribution system to the base and incorporate a drinking water well on the base into that system.

The proposed redevelopment of NAWC Warminster would require an increase in wastewater treatment capacity. The acquiring entities could use the base's wastewater treatment plant to provide adequate treatment capacity for the proposed redevelopment of NAWC Warminster. When operating this plant, they would be subject to the requirements of the National Pollutant Discharge Elimination System (NPDES) permit program. Similarly, stormwater must be managed in accordance with Federal, State, and local laws and regulations.

Thus, the acquiring entities would be responsible for constructing adequate drainage facilities.

The Preferred Alternative would generate about three tons of solid waste per day more than Navy did when the base was operational. There is adequate disposal capacity to accommodate this increase in waste, and no significant impact is likely.

The Preferred Alternative would not have any significant impact on cultural resources. Pursuant to Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f (1994), Navy performed a cultural resource survey and determined that seven structures are eligible for listing on the National Register of Historic Places. In a letter dated May 6, 1998, the Pennsylvania State Historic Preservation Officer (SHPO) stated that only three of the seven structures satisfied eligibility requirements. The three structures at NAWC Warminster determined to be eligible for listing on the Register are the inertial guidance laboratory (Building 108), the ejector seat test facility (Structure 361), and the centrifuge (Building 70). The Reuse Plan proposes to use the inertial guidance laboratory and the centrifuge in ways similar to Navy's historical uses. The ejector seat test facility will be used to support communications antennas.

There are no known archaeological sites at NAWC Warminster that are eligible for listing on the National Register. However, the cultural resource survey identified archaeologically sensitive areas within parts of NAWC Warminster proposed for disposal and reuse, *i.e.*, at Quarters A and Quarters B. Depending upon the location and design of particular redevelopment projects, potential archaeological resources in these areas could be affected by construction activities.

Navy has completed consultation pursuant to Section 106 of the National Historic Preservation Act with the Advisory Council on Historic Preservation and the Pennsylvania State Historic Preservation Officer. These consultations identified measures that the acquiring entities must take to avoid or mitigate adverse impacts on the eligible structures and the archaeologically sensitive areas. These measures were set forth in a Programmatic Agreement among Navy, the Advisory Council on Historic Preservation, and the Pennsylvania State Historic Preservation Officer, dated December 9, 1998. This Programmatic Agreement requires the incorporation of restrictive deed covenants for each of the structures in the documents conveying the property. These covenants require subsequent owners of the property to obtain written permission from the SHPO before undertaking any alterations to the three eligible structures and before engaging in any activities that would disturb the ground in the archaeologically sensitive areas.

The Preferred Alternative would not have any significant impact on upland vegetation and wildlife. The existing vegetation in the vicinity of the runway, taxiways, and developed areas consists largely of maintained lawns and ornamental and naturally occurring trees and shrubs. The redevelopment of these areas would reduce the vegetation in these low value habitats. Navy did not actively use the property east of the runway when the base was operational and leased it for farming. The proposed redevelopment of this area would result in a change from agricultural activities to parks and recreational uses.

Navy determined that there were no Federally-listed threatened or endangered species at NAWC Warminster as defined by the Endangered Species Act of 1973, 16 U.S.C. 1531–1544 (1994). Therefore, the disposal and reuse of NAWC Warminster would not have any adverse effect on Federally-listed threatened or endangered species. In letters dated September 14, 1995 and November 21, 1995, the United States Fish and Wildlife Service concurred in Navy's determination.

There are several freshwater wetlands on the base that cover about three acres. The Reuse Plan did not provide detailed site plans for the proposed redevelopment. Thus, the impact on these wetlands cannot be fully assessed. Future redevelopment plans that may affect wetlands will be subject to the wetland regulations that implement Section 404 of the Clean Water Act, 33 U.S.C. 1344 (1994). These regulations are set forth at 33 CFR part 323, and are enforced by the United States Army Corps of Engineers. Implementation of the Preferred Alternative would not have any impact on floodplains, because NAWC Warminster does not lie within 100-year or 500-year floodplains.

The Preferred Alternative would not have any significant impact on the environment as a result of the use of petroleum products or the use or generation of hazardous substances by the acquiring entities. Hazardous materials used and hazardous waste generated by the Reuse Plan will be managed in accordance with Federal and State laws and regulations.

Implementation of the Preferred Alternative would not have any impact on existing environmental contamination at NAWC Warmister. Navy will inform future property owners about the environmental condition of the property and may, when 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.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 3 CFR 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 NAWC Warminster and subsequent reuse of the property under the various proposed alternatives. Minority and low income populations residing within the region would not be disproportionately affected. Indeed, the employment opportunities, housing and public services generated by implementing the Reuse Plan 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 pose any disproportionate environmental health or safety risks to children.

Mitigation

Implementation of Navy's decision to dispose of NAWC Warminster 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 impacts associated with the reuse and redevelopment of NAWC Warminster. 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 FEIS

Navy received comments on the FEIS from one Federal agency, the United States Environmental Protection Agency (Region III), and one local agency, the Warminster Municipal Authority. All of the substantive comments concerned issues discussed in the FEIS. Those comments that require clarification are addressed below.

The comments of the Environmental Protection Agency's Region III concerned background information in Section 3 of the FEIS regarding Navy's Installation Restoration Program at NAWC Warminster. Navy's responses to these comments are being provided to Region III in the separate regulatory process prescribed for Installation Restoration Programs by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, U.S.C. 9601–9675 (1994).

The Warminster Municipal authority commented that the analysis in Section 4 of the FEIS incorrectly stated that extending the Authority's potable water distribution system to the base would provide an adequate supply of water for redevelopment. The Municipal Authority stated that it would also be necessary to draw upon a drinking water well on the base to provide an adequate supply of potable water for redevelopment. As discussed earlier, Navy acknowledges that a drinking water well on the base must be incorporated into the Authority's water distribution system to provide an adequate supply of potable water for the proposed redevelopment of NAWC Warminster.

The Municipal Authority also commented that the analysis in Section 4 of the FEIS incorrectly concluded that its wastewater treatment plant has sufficient capacity to treat wastewater generated under the Preferred Alternative. As discussed earlier, Navy acknowledges that additional wastewater treatment capacity would be required to support the proposed redevelopment of NAWC Warminster.

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, Public Law 103–160, Congress recognized the economic hardship occasioned by base closures, the Federal interest in facilitating economic recovery of base closure communities, and the need to identify and implement reuse and redevelopment of property at closing installations. In Section 2903(c) of Public Law 103–160, Congress directed the Military Departments to consider each base closure community's economic needs and priorities in the property disposal process. Under Section 2905(b)(2)(E) of 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 Service 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 conveyance (FPMR Sec. 101–47.303–2); by negotiated sale (FPMR Sec. 101–47.304–9); and by competitive sale (FPMR 101–47.304–7). Additionally, in Section 2905(b)(4), the DBCRA established economic development conveyances as a means of disposing of surplus base closure property. The selection of any particular method of conveyance merely implements the Federal agency's decision to dispose of the property. Decisions concerning whether to undertake a public benefit conveyance or an economic development conveyance, or to sell

property by negotiation or by competitive bid, are 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 NAWC Warminster, reflected in the Reuse Plan, is consistent with the requirements of the FPMR and Section 174.4 of the DoD Rule. The LRA has determined in its Reuse Plan that the property should be used for various purposes including residential, commercial, municipal, assisted living, low income and homeless assistance, and parks and recreational activities. The property's location, physical characteristics, and existing infrastructure as well as the current uses of adjacent property make it appropriate for the proposed uses.

The Reuse Plan responds to local economic conditions, promotes rapid economic recovery from the impact of the closure of NAWC Warminster, 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 NAWC Warminster 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 Reuse Plan.

Accordingly, Navy will dispose of the surplus Federal property at Naval Air Warfare Center, Aircraft Division, Warminster, Pennsylvania, in a manner that is consistent with the Federal Lands Reuse Authority of Bucks County's Reuse Plan for the property.

Dated: October 15, 1999.

William J. Cassidy, Jr.,

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

Dated: October 27, 1999.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 99–28646 Filed 11–1–99; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request.

SUMMARY: The Secretary of Education requests comments on the Free Application for Federal Student Aid (FAFSA) that the Secretary proposed to use for the 2001–2002 year. The FAFSA is completed by students and their families and the information submitted on the form is used to determine the students' eligibility and financial need for financial aid under the student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended, (Title IV, HEA Programs).

DATES: Interested persons are invited to submit comments on or before January 3, 2000.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

In addition, interested persons can access this document on the Internet:

(1) Go to IFAP at *http://ifap.ed.gov*.

(2) Click on the ''Bookshelf'' or on ''Current SFA Publications''.

(3) Scroll down and click on ''FAFSAs and Renewal FAFSAs''.

(4) Click on ''By 2001–2002 Award Year''.

(5) Click on ''FAFSA Form/Instructions''.

Please note that the free Adobe Acrobat Reader software, version 3.0 or greater, is necessary to view this file. This software can be downloaded for free from Adobe's website: *http://www.adobe.com*.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 483 of the Higher Education Act of 1965, as amended (HEA), requires the Secretary, ''in cooperation with agencies and organizations involved in providing student financial assistance,'' to ''produce, distribute and process free of charge a common financial reporting form to be used to determine the need and eligibility of a student under'' the Title IV, HEA Programs. This form is the FAFSA. In addition, Section 483 authorizes the Secretary to include non-financial data items that assist States in awarding State student financial assistance.

The Secretary requests comments on the draft 2001–2002 FAFSA that has been posted to the IFAP website (see above). In particular, the Secretary seeks comments on the following changes under consideration to the 2001–2002 FAFSA. References to the current FAFSA are to the 2000–2001 FAFSA.

- Revision of ''dependents other than a spouse'' question. Applicants who have dependents other than a spouse are considered ''independent,'' and are therefore not required to report parental information on the FAFSA. ''Dependents other than a spouse'' includes, (1) children supported by the applicant, and (2) non-children dependents who live with and are supported by the applicant. The current FAFSA asks for both of these categories of dependents in a single question. In order to make the application easier to understand, the Secretary is considering splitting this into two separate questions.
- Business and investment farm net worth. As part of the continuing effort to simplify the FAFSA, the Secretary proposes to ask for business net worth and investment farm net worth in a single question.
- Two untaxed income worksheets. The current FAFSA collects untaxed income information through Worksheet A (and a separate earned income credit (EIC) question on the form itself). Some states and schools have indicated that the current Worksheet A is not useful for identifying particularly needy students. Some untaxed income is an indicator of need (*e.g.*, welfare benefits, social security benefits) and some untaxed income is not (*e.g.*, payments to tax-deferred pension and savings plans, tax exempt interest income). For 2001–2002, the Secretary proposes to split the current Worksheet A into a ''non-needy'' untaxed income worksheet