

physical characteristics, other private and public uses in the vicinity, neighboring improvements, utility services, access, roads, location, and environmental and historical considerations.

After Federal property has been conveyed to non-Federal entities, the property is subject to local land use regulations, including zoning and subdivision regulations, and building codes. Unless expressly authorized by statute, the disposing Federal agency cannot restrict the future use of surplus Government property. As a result, the local community exercises substantial control over future use of the property. For this reason, local land use plans and zoning 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 Services Act of 1949, 40 U.S.C. 484, as implemented by the FPMR, identifies several mechanisms for disposing of surplus base closure property: by public benefit conveyance (FPMR Sec. 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 Naval Training Center San Diego, reflected in the Reuse Plan, is consistent with the prescriptions 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 several purposes including residential, educational, commercial, public and recreational uses. These uses include housing, educational facilities, two hotels, retail stores, an environmental

monitoring laboratory and administrative facility, a public safety institute, a nesting site for the California least tern, expansion of the adjacent Lindbergh Field, and athletic fields and open spaces. 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 closure of Naval Training Center San Diego, and is consistent with President Clinton's Five-Part Plan for Revitalizing Base Closure Communities, which emphasizes local economic redevelopment of the closing military facility and creation of new jobs as the means to revitalize the communities. 32 CFR Parts 174 and 175, 59 FR 16123 (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 Naval Training Center 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 Naval Training Center San Diego in a manner that is consistent with the City of San Diego's Reuse Plan for the property.

Dated: March 10, 1999.

William J. Cassidy, Jr.,

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

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DEPARTMENT OF EDUCATION

[CFDA No. 84.303A]

Office of Educational Research and Improvement (OERI), Technology Innovation Challenge Grants Program; Notice Announcing a Two-Tier Review Process for Applications Received Under the Fiscal Year (FY) 1999 Competition

SUMMARY: The Secretary announces the use of a two-tier review process to evaluate applications submitted for new

awards under the FY 1999 Technology Innovation Challenge Grants program. The Secretary takes this action to ensure a thorough review and assessment of the large number of applications that are expected to be received under the FY 1999 competition. This competition was announced previously in a notice published in the **Federal Register** on December 22, 1998 (63 FR 70977). That notice, however, did not explain that a two-tier review process is to be used in the evaluation of applications. Because the announcement of a two-tier review process does not affect the contents of applications in this competition, the date by which applications must be received remains the same as originally announced, March 12, 1999.

SUPPLEMENTARY INFORMATION: In prior fiscal years, applications for awards under this program were evaluated and selected in accordance with procedures established in the notice of final selection criteria, selection procedures, and application procedures for Technology Innovation Challenge Grants published in the **Federal Register** on May 12, 1997 (62 FR 26175). This year, however, these procedures for "evaluation and selection of applications" will not apply to this program. Instead, the Department will follow the procedures in 34 CFR part 75 except as indicated below.

Application Review Procedures: The Secretary will use a two-tier process for reviewing applications in this competition. In the first tier, all eligible applications will be reviewed. The applications with the highest scores in the first tier—the top-ranked 60—will be reviewed in the second tier. In the event of a tie for the 60th place in the rank order of applications in the first tier, all applications tied for that final position will be considered in the second tier. The same evaluation criteria will be used in the second tier as in the first tier. The Secretary will select applications for funding on the basis of the rank ordering of applications in the second tier. In all other respects, the Secretary will follow the procedures in the Education Department General Administrative Regulations (EDGAR), 34 CFR part 75, in reviewing applications.

Waiver of Proposed Rulemaking: In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, these exceptions to EDGAR make procedural changes only. Therefore, under 5 U.S.C. 553(b)(A), proposed rulemaking is not required.

FOR FURTHER INFORMATION CONTACT: Elizabeth Payer, U.S. Department of Education, Office of Educational Research and Improvement, 555 New Jersey Avenue NW., Washington, DC 20208-5544. Telephone 202 208-3882. 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.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Individuals with disabilities may obtain a copy of the application package in an alternate format, also, by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

Electronic Access to This Document

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (pdf) on the World Wide Web at either of the following sites:

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Note: The official version of a document is the document published in the **Federal Register**.

PROGRAM AUTHORITY: 20 U.S.C. 6846.

Dated: March 19, 1999.

C. Kent McGuire,

Assistant Secretary for Educational Research and Improvement.

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DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of teleconference.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming teleconference of the Design and Methodology Committee of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: March 26, 1999.

TIME: 2:30-4:00 p.m., EST.

LOCATION: National Assessment Governing Board, 800 North Capitol Street, NW, Suite #825, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mary Ann Wilmer, Operations Officer, National Assessment Governing Board, Suite 825, 800 North Capitol Street, NW, Washington, D.C., 20002-4233, Telephone: (202) 357-6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 412 of the National Education Statistics Act of 1994 (Title IV of the Improving America's Schools Act of 1994) (Pub. L. 103-382).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons.

On March 26, 1999 the Design and Methodology Committee of the National Assessment Governing Board will hold a teleconference from 2:30-4:00 p.m. The purpose of this meeting is to endorse a plan of action to achieve the goals of the Board's redesign policy regarding sampling issues. The Committee will be acting under the prospective authority of the Board.

Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite 825, 800 North