

applicant other than an SEA the Secretary considers the following criteria:

- (a) The quality of the proposed curriculum and instructional practices (20 points).
- (b) The degree of flexibility afforded by the SEA and, if applicable, the local educational agency to the charter school (20 points).
- (c) The extent of community support for the application (20 points).
- (d) The ambitiousness of the objectives for the charter school (20 points).
- (e) The quality of the strategy for assessing achievement of those objectives (20 points).
- (f) The likelihood that the charter school will meet those objectives and improve educational results for students (20 points).

#### *Diversity of Projects*

The Secretary and SEAs will, to the extent possible, ensure that grants—

- (a) Are distributed throughout different areas of the Nation and each State, including urban and rural areas; and
- (b) Will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

#### *Waivers*

The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any requirement relating to the elements of a charter school, as defined in the "Definitions" section of this notice, if—

- (a) The waiver is requested in an approved application under this program; and
- (b) The Secretary determines that granting such a waiver will promote the purposes of this program.

The Secretary may not waive the requirements of the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals With Disabilities Education Act. In addition, a charter school may not obtain waivers of requirements of the Americans with Disabilities Act of 1990. The Secretary strongly urges applicants to provide the public with notice of and an opportunity to comment on waiver requests.

#### *Allowable Activities*

An eligible applicant receiving a grant or subgrant under this program may use the grant or subgrant funds for only—

(a) Post-award planning and design of the educational program, which may include—

- (1) Refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and
- (2) Professional development of teachers and other staff who will work in the charter school; and
- (b) Initial implementation of the charter school, which may include—
  - (1) Informing the community about the school;
  - (2) Acquiring necessary equipment and educational materials and supplies;
  - (3) Acquiring or developing curriculum materials; and
  - (4) Other initial operating costs that cannot be met from State or local sources.

*For Applications or Information Contact:* John Fiegel, U.S. Department of Education, 600 Independence Avenue, S.W., Room 4512, Portals Building, Washington, D.C. 20202-6140. Telephone (202) 260-2671. Internet address: John.Fiegel@ED.Gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260-9950; on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases); or on the World Wide Web (at <http://www.ed.gov/money.html>). However, the official application notice for a discretionary grant competition is the notice published in the Federal Register.

*Program Authority:* 20 U.S.C. 8061-8067.

Dated: June 19, 1996.

Gerald N. Tirozzi,

*Assistant Secretary, Elementary and Secondary Education.*

[FR Doc. 96-16509 Filed 6-27-96; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF ENERGY

### **Disposition of Surplus Highly Enriched Uranium Final Environmental Impact Statement**

**AGENCY:** Department of Energy.

**ACTION:** Notice of availability.

**SUMMARY:** The Department of Energy (DOE) announces the availability of the

Disposition of Surplus Highly Enriched Uranium Final Environmental Impact Statement (HEU Final EIS). In accordance with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and the Department's NEPA Implementing Procedures (10 CFR Part 1021), the Department has prepared the HEU Final EIS to evaluate alternatives for the disposition of United States-origin, weapons-usable, highly enriched uranium (HEU) that has been, or may be, declared surplus to national defense needs by the President.

**DATES:** A Record of Decision in the HEU disposition program will be issued no earlier than July 29, 1996. The Department will consider, as appropriate, in the Record of Decision, any comments received by July 29, 1996 on the Cost Comparison for Highly Enriched Uranium Disposition Alternatives (available separately and summarized in the Supplementary Information, below) or the Floodplain Proposed Statement of Findings (included in section 4.13 of the HEU Final EIS and also summarized below).

**ADDRESSES:** Requests for copies of the HEU Final EIS or the Cost Comparison for Highly Enriched Uranium Disposition Alternatives, requests for information, and comments on the Proposed Floodplain Statement of Findings (section 4.13 of the HEU Final EIS) should be directed to: Office of Fissile Materials Disposition (MD-4), Attention: HEU EIS, U.S. Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585, phone (202) 586-4513, fax (202) 586-4078.

**FOR FURTHER INFORMATION CONTACT:** For information on the DOE National Environmental Policy Act process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH-42), U.S. Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585, (202) 586-4600 or leave a message at 1-800-472-2756.

**Availability of the HEU Final EIS:** Copies of the HEU Final EIS have been distributed to Federal, State, Indian tribal, and local officials, agencies, and interested organizations and individuals. The full text of the 72-page Summary of the HEU Final EIS is available, along with numerous other Fissile Materials Disposition program documents, on the program's Electronic Bulletin Board/World Wide Web Page (<http://web.fie.com/htdoc/fed/doe/fsl/pub/menu/any/>). Copies of the HEU Final EIS and supporting technical reports are also available for public

review at the DOE reading room locations listed at the end of this Notice.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 26, 1995, the Department published a Notice of Availability (NOA) in the Federal Register (60 FR 54967) of the Disposition of Surplus Highly Enriched Uranium Draft Environmental Impact Statement for public review and comment. The NOA invited the public to comment on the draft EIS during a 45-day comment period that was to end December 11, 1995. Subsequently, in response to public requests, the Department announced in the Federal Register (60 FR 58056, November 24, 1995) an extension of the comment period until January 12, 1996. Public workshops on the draft HEU EIS were held in Knoxville, Tennessee on November 14, 1995, and in Augusta, Georgia on November 16, 1995.

##### Alternatives Considered

The HEU Final EIS assesses environmental impacts of five reasonable alternatives identified for the disposition of up to 200 metric tons of surplus HEU. This includes HEU that has already been declared surplus (175 metric tons) as well as additional weapons-usable HEU that may be declared surplus in the future. The material is currently located at facilities throughout the Department's nuclear weapons complex, but the majority is in, or destined for, interim storage at the Department's Y-12 Plant in Oak Ridge, Tennessee. Except for the no action alternative, all reasonable alternatives involve blending HEU with depleted, natural, or low-enriched uranium (LEU) to make LEU, which is not weapons-usable, and the majority of which would have potential commercial value as non-defense, nuclear power plant fuel feed. The alternatives, except for the no action alternative, reflect blending different proportions of the HEU to LEU for commercial use versus blending it to LEU for disposal as waste. The alternatives also present different combinations of blending sites and blending processes.

Alternative 1 as presented in the HEU Final EIS is No Action (continued storage of surplus HEU). Alternative 2 is No Commercial Use, and represents blending all 200 metric tons of surplus HEU to waste (fuel/waste ratio of 0/100) using the four blending sites listed below. Alternative 3 is Limited Commercial Use, and includes transferring 50 metric tons of HEU (and 7000 metric tons of natural uranium) to

the United States Enrichment Corporation (USEC) for commercial use, but blending the remaining 150 metric tons of HEU to waste (fuel/waste ratio of 25/75). Alternative 3 assumes the 50 metric tons of commercial material would be blended at two commercial blending sites, and the waste material would be blended at four sites. Alternative 4 is Substantial Commercial Use, and represents blending 130 metric tons of HEU for commercial use and 70 metric tons for disposal as waste (fuel/waste ratio of 65/35). Alternative 5 is Maximum Commercial Use, and represents blending 170 metric tons of HEU for commercial use and 30 metric tons for disposal as waste (fuel/waste ratio of 85/15). Both Alternatives 4 and 5, like Alternative 3, include the proposal to transfer 50 metric tons of HEU and 7,000 metric tons of natural uranium to USEC for commercial use. Alternatives 4 and 5 each have four site variations: (a) two DOE sites only, (b) two commercial sites only, (c) all four sites, and (d) each site alone. The DOE and commercial sites that can perform HEU conversion and blending are:

DOE's Y-12 Plant at the Oak Ridge Reservation in Oak Ridge, Tennessee; DOE's Savannah River Site in Aiken, South Carolina; the Babcock & Wilcox Naval Nuclear Fuel Division in Lynchburg, Virginia; and the Nuclear Fuel Services, Inc. Plant in Erwin, Tennessee. The EIS also assesses the environmental impacts of necessary transportation of materials. For a more complete discussion of the alternatives and their impacts, the reader is referred to the HEU Final EIS or its Summary.

The alternatives as described are not intended to represent exclusive options among which the Department must choose, but rather are analyzed to represent reasonable points in the matrix of possible choices. The HEU Final EIS explains how impacts would change if the exact fuel/waste ratio or division among sites or processes were different.

##### Preferred Alternative

The HEU Final EIS, as did the Draft EIS, identifies DOE's preferred alternative as Alternative 5 (Maximum Commercial Use) and site variation c (all four sites). Under this alternative, the commercial use of surplus HEU would be maximized and the blending would most likely be done at some combination of commercial and DOE sites over a period of 15 to 20 years. The Department prefers this alternative because commercial use of LEU derived from surplus HEU not only would serve the objective of rendering these materials non-weapons-usable, but it

would also allow for peaceful, beneficial reuse of the material, recover investment for the Federal Treasury, and reduce Government waste disposal costs that would be incurred if all (or a greater portion of) the material were blended to waste.

##### Major Comments Received

During the 78-day public comment period on the HEU Draft EIS, DOE received comments on the document by mail, fax, telephone recording, electronic mail, and orally at the two public workshops. All of the comments are presented in Volume II of the HEU Final EIS, the Comment Analysis and Response Document. The major themes that emerged from public comments on the HEU Draft EIS were as follows:

- There was broad support for the fundamental objective of transforming surplus HEU to non-weapons-usable form by blending it down to LEU (for either fuel or waste).
- There was concern from elements of the uranium fuel cycle industry that the entry into the market of LEU fuel derived from U.S. and Russian HEU could depress uranium prices and possibly lead to the closure of U.S. uranium mines, conversion plants, or enrichment plants.
- There was opposition to commercial use of LEU fuel derived from surplus HEU because some commentors believed that such use increases proliferation risk by creating commercial spent nuclear fuel, which includes plutonium. There was also support for commercial use of the material.

The HEU Final EIS has been modified in several respects (relative to the Draft EIS) in response to comments received, as well as other changes in circumstances since publication of the Draft EIS:

- The discussion of potential impacts on the uranium industry has been augmented to reflect the recent enactment of the USEC Privatization Act (Public Law 104-134), and to better reflect the cumulative impacts in light of the U.S.-Russian Agreement to purchase Russian HEU (blended down to LEU).
- The discussion of the rates of disposition actions that could result in commercial sales of LEU has been modified to reflect a more pragmatic assessment of the time required for DOE to make surplus HEU available for disposition. The document was also modified to address the provision of the USEC Privatization Act (signed into law on April 26, 1996) that requires the Department to determine that its sales of uranium would not have adverse

material impacts on the domestic uranium mining, conversion, or enrichment industries.

- Numerous other technical and editorial changes have been made to the document.

With respect to the comments opposing commercial use of LEU derived from surplus HEU, the Department does not agree that the spent nuclear fuel that would result from such use poses significant proliferation risks, because spent fuel is highly radioactive and difficult to handle, and is thus in a form which is proliferation resistant. Reactors that might use LEU fuel derived from surplus HEU would simply use fuel obtained from virgin uranium if the LEU derived from surplus HEU did not exist. There would be no increase in spent fuel and no increase in plutonium created in that spent fuel as a consequence of this program. Furthermore, commercial use of the material would result in the generation of less waste material, and generally would involve lower environmental impacts than would the blend-to-waste alternative.

#### Floodplain Proposed Statement of Findings

Pursuant to the Department's regulations (10 CFR Part 1022) implementing Executive Order 11988, Floodplain Management, DOE must assess the potential impacts of its proposed actions in floodplains. Floodplain impacts were discussed in the water resources sections of the HEU Draft EIS. This information has been compiled into a separate Floodplain Assessment and Proposed Statement of Findings in the Final EIS (in section 4.13).

Because HEU blending activities associated with the proposed action and its alternatives could be accommodated in existing facilities without structural modifications, no positive or negative impacts on floodplains would be expected at any of the candidate sites. Similarly, since blending facilities are not located in the vicinity of wetlands, no impacts to wetlands are anticipated. The Floodplain Assessment indicates that blending operations at the Y-12 Plant and B&W would be accommodated in facilities located outside 100- and 500-year floodplains. At SRS, the F- and H-Canyons that could be used for blending also fall outside 100-year floodplains. The 500-year floodplain limits at SRS have not been delineated. The NFS site is partially located in 100- and 500-year floodplains (as determined by a current FEMA Flood Insurance Rate Map).

However, as described in the Final EIS, mitigation measures have been, and will continue to be, implemented to reduce potential flooding of the site and the likelihood of adverse impacts.

The Department will consider, in its Record of Decision, public comments received by July 15, 1996 on the Floodplain Assessment and Proposed Statement of Findings.

#### Cost Comparison for Highly Enriched Uranium Disposition Alternatives

To assist the Department in reaching a Record of Decision on surplus HEU disposition, a study, Cost Comparison for Highly Enriched Uranium Disposition Alternatives, was prepared on behalf of the Department by the Oak Ridge Y-12 Plant, Oak Ridge, Tennessee, which is managed by Lockheed Martin Energy Systems, Inc. The report addresses the costs of down-blending and commercial use of various quantities of LEU derived from surplus HEU versus down-blending surplus HEU to LEU for disposal as waste, as defined by the alternatives in the HEU Final EIS. The report estimates that blending HEU to LEU for commercial use would save up to \$4 billion in direct costs when compared to the alternative of blending to LEU for disposal as waste. The Cost Comparison, which was completed in April 1996, was disseminated for review at the beginning of May 1996 to all commentors who expressed an interest in cost issues as well as to all public workshop attendees. The full text of the Cost Comparison has been made available on the Fissile Materials Disposition Electronic Bulletin Board/World Wide Web Page. (<http://web.fie.com/htdoc/fed/doe/fsl/pub/menu/any/>). Copies can also be obtained by calling (202) 586-4513. Comments received on the Cost Comparison by July 15, 1996 will be considered as appropriate in the Record of Decision.

#### DOE Public Reading Rooms

Copies of the final HEU EIS as well as technical data reports and other supporting documents are available for public review at the following locations:

#### Department of Energy Headquarters

Freedom of Information Reading Room, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585, Attn: Carolyn Lawson, 202-586-6020

#### Albuquerque Operations Office

National Atomic Museum, 20358 Wyoming Blvd., SE, Kirtland AFB, NM 87117, Attn: Diane Zepeda, 505-845-4378

#### Nevada Operations Office

Nevada Operations Office, U.S. Department of Energy, Public Reading Room, 2753 South Highland Dr., P.O. Box 98518, Las Vegas, NV 89193-8518, Attn: Charlotte Cox, 702-295-1459

#### Oak Ridge Operations Office

U.S. Department of Energy, Public Reading Room, 200 Administration Road, P.O. Box 2001, Oak Ridge, TN 37831-8501, Attn: Jane Greenwalt, 615-576-1216

#### Richland Operations Office

Washington State University, Tri-Cities Branch Campus, 300 Sprout Road, Room 130 West, Richland, WA 99352, Attn: Terri Traub, 509-376-8583

#### Rocky Flats Office

Front Range Community College Library, 3645 West 112th Avenue, Westminster, CO 80030, Attn: Dennis Connor, 303-469-4435

#### Savannah River Operations Office

Gregg-Graniteville Library, University of South Carolina-Aiken, 171 University Parkway, Aiken, SC 29801, Attn: Paul Lewis, 803-641-3320, DOE Contact: James M. Gaver, 803-725-2889

#### Los Alamos National Laboratory

U.S. Department of Energy, c/o Los Alamos Community Reading Room, 1450 Central, Suite 101, Los Alamos, NM 87544, Attn: Tom Ribe, 505-665-2127

#### Chicago Operations Office

Office of Planning, Communications & EEO, U.S. Department of Energy, 9800 South Cass Avenue, Argonne, IL 60439, Attn: Gary L. Pitchford, 708-252-2013

#### Amarillo Area Office

U.S. Department of Energy, Amarillo College, Lynn Library/Learning Center, P.O. Box 447, Amarillo, TX 79178, PH: 806-371-5400, FX: 806-371-5470

U.S. DOE Reading Room, Carson County Library, P.O. Box 339, Panhandle, TX 79068, PH: 806-537-3742, FX: 806-537-3780, DOE Contact: Tom Walton, PH: 806-477-3120, FX: 806-477-3185, Contractor Contact: Kerry Cambell, PH: 806-477-4381, FX: 806-477-5743

#### Sandia National Laboratory/CA

Livermore Public Library, 1000 S. Livermore Avenue, Livermore, CA 94550, Attn: Julie Casamajor, PH: 510-373-5500, FX: 510-373-5503

Issued in Washington, DC, June 24, 1996.  
 Gregory P. Rudy,  
*Acting Director, Office of Fissile Materials  
 Disposition.*  
 [FR Doc. 96-16565 Filed 6-27-96; 8:45 am]  
 BILLING CODE 6450-01-P

**Environmental Management Site-Specific Advisory Board, Department of Energy/Los Alamos National Laboratory**

**AGENCY:** Department of Energy.  
**ACTION:** Notice of open meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Los Alamos National Laboratory  
**DATES:** Tuesday, July 9, 1996: 6:30 pm-9:30 pm; 7:00 pm to 7:30 pm (public comment session).

**ADDRESSES:** Northern New Mexico Community College, 1002 N. Onate, Espanola, New Mexico 87532, 505-753-8970.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kimberly Roybal, Los Alamos National Laboratory Citizens' Advisory Board Support, Northern New Mexico Community College, 1002 Onate Street, Espanola, NM 87352, (800) 753-8970, or (505) 753-8970, or (505) 262-1800.

**SUPPLEMENTARY INFORMATION:** Purpose of the Board: The purpose of the Advisory Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

**Tentative Agenda**

*Tuesday, July 9, 1996*

6:30 PM Call to Order and Welcome  
 7:00 PM Public Comment  
 7:30 PM Old Business  
 8:30 PM Sub-Committee Reports  
 9:30 PM Adjourn

**Public Participation:** The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ms. Lisa Roybal, at the telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. This notice is being published less than 15

days in advance of the meeting due to programmatic issues that needed to be resolved.

**Minutes:** The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Herman Le-Doux, Department of Energy, Los Alamos Area Office, 528 35th Street, Los Alamos, NM 87185-5400.

Issued at Washington, DC on June 25, 1996.  
 Rachel M. Samuel,  
*Acting Deputy Advisory Committee  
 Management Officer.*  
 [FR Doc. 96-16562 Filed 6-27-96; 8:45 am]  
 BILLING CODE 6450-01-P

**Environmental Management Site-Specific Advisory Board, Savannah River**

**AGENCY:** Department of Energy.  
**ACTION:** Notice of open meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River.

**DATES AND TIMES:** Monday, July 22, 1996: 6:00 p.m.-7:00 p.m. (public comment session). Tuesday, July 23, 1996: 8:30 a.m.-4:00 p.m.

**ADDRESSES:** Stevenson-McClelland Building, 125 Pendleton Street, SW., Aiken, South Carolina.

**FOR FURTHER INFORMATION CONTACT:** Tom Heenan, Manager, Environmental Restoration and Solid Waste, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, SC 29802 (803) 725-8074.

**SUPPLEMENTARY INFORMATION:** *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management and related activities.

**Tentative Agenda**

*Monday, July 22, 1996*

6:00 p.m. Public Comment Session (5-minute rule)  
 7:00 p.m. Adjourn

Subcommittee meetings will follow the public comment session.

*Tuesday, July 23, 1996*

8:30 a.m. Approval of Minutes, Agency Updates (~ 15 minutes)

Public Comment Session (5-minute rule)(~ 30 minutes)

Savannah River Site Ecosystem (~ 45 minutes)

Environmental Remediation & Waste Management Subcommittee Report (~ 1 hour and 15 minutes)

12:00 p.m. Lunch

1:00 p.m. U.S. Geological Survey—Groundwater Study (~ 30 minutes)

Nuclear Materials Management Subcommittee (~ 1 hour)

DOE Board-related Grants Discussion (~ 15 minutes)

Risk Management & Future Use Subcommittee Report (~ 15 minutes)

Budget Subcommittee Report (~ 15 minutes)

Outreach Subcommittee (~ 15 minutes)  
 4:00 p.m. Adjourn

If needed, time will be allotted after public comments for items added to the agenda, and administrative details. A final agenda will be available at the meeting Monday, July 22, 1996.

**Public Participation:** The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Tom Heenan's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

**Minutes:** The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday except Federal holidays. Minutes will also be available by writing to Tom Heenan, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, S.C. 29802, or by calling him at (803) 725-8074.

Issued at Washington, DC on June 25, 1996.  
 Rachel Murphy Samuel,  
*Acting Deputy Advisory Committee  
 Management Officer.*  
 [FR Doc. 96-16563 Filed 6-27-96; 8:45 am]  
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