

John T. Conway, Chairman
A.J. Eggenberger, Vice Chairman
Edson G. Case
John W. Crawford, Jr.
Herbert John Cecil Kouts

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

625 Indiana Avenue, NW, Suite 700, Washington, D.C. 20004
(202) 208-6400 • FTS 268-6400



March 7, 1991

The Honorable James D. Watkins
Secretary of Energy
Washington, D.C. 20585

Dear Mr. Secretary:

On March 7, 1991, the Defense Nuclear Facilities Safety Board, in accordance with Section 312(5) of Public Law 100-456, approved a recommendation which is enclosed for your consideration.

Section 315(A) of Public Law 100-456 requires the Board, after receipt by you, to promptly make this recommendation available to the public in the Department of Energy's regional public reading rooms. Please arrange to have this recommendation placed on file in your regional public reading rooms as soon as possible.

The Board will publish this recommendation in the Federal Register.

Sincerely,

A handwritten signature in cursive script, reading "John T. Conway".

John T. Conway
Chairman

Enclosure

RECOMMENDATION TO THE SECRETARY OF ENERGY
pursuant to Section 312(5) of the
Atomic Energy Act of 1954, as amended.

Dated: March 7, 1991

Among other functions of the Defense Nuclear Facilities Safety Board (Board), section 312 of the Atomic Energy Act requires that:

The Board shall review and evaluate the content and implementation of the standards relating to the design, construction, operation, and decommissioning of defense nuclear facilities of the Department of Energy (including all applicable Department of Energy orders, regulations, and requirements) at each Department of Energy defense nuclear facility. The Board shall recommend to the Secretary of Energy those specific measures that should be adopted to ensure that public health and safety are adequately protected. The Board shall include in its recommendations necessary changes in the content and implementation of such standards, as well as matters on which additional data or additional research is needed.

The Defense Nuclear Facilities Safety Board is continuing its review of the adequacy of the content and implementation of applicable nuclear safety standards relating to the design, construction, operation, and decommissioning of defense nuclear facilities of the Department of Energy. This review is not confined to the area of standards as they are sometimes understood, such as those issued by standards organizations, but includes as well all applicable Department of Energy Orders and regulations, directives, and other requirements that fall within the Board's statutory oversight responsibility, 42 U.S.C. §2286a.

During 1990, the Board communicated to senior Department of Energy (DOE) personnel its preliminary concerns about the content and the implementation of currently available standards. The Board's previous Recommendation 90-2, dated March 8, 1990, addressed certain aspects of this subject. On several occasions since Recommendation 90-2 was issued, the Board and its staff have met with DOE representatives on this subject, including an in-depth briefing given to the Board, at the Secretary's direction, by three Assistant Secretaries, major Office Directors, and their staff on December 11, 1990. That briefing was arranged to provide an opportunity for senior DOE officials to present to the Board the Department's overall safety management philosophy and to demonstrate DOE's commitment to

fully implement Recommendation 90-2 and other aspects of its standards program. On February 13, 1991, in fulfillment of a commitment given to the Board at the briefing, DOE transmitted to the Board a schedule for completing the first phase of its nuclear safety rulemaking. In a cover letter accompanying the February 13, 1991, schedule, DOE stated that safety orders "will be issued concurrently with publication of the proposed rules for comment."

The Board remains concerned that progress in issuing standards within DOE is not being made rapidly enough to meet the priorities that the Secretary of Energy has articulated regarding the implementation of safety standards at DOE's defense nuclear facilities. Existing policy, infrastructure, and management priorities relating to the safety standards program may need alteration or refinement if nuclear safety requirements are to be issued, and more importantly, implemented, in a timely fashion. Therefore, the Board recommends:

1. that the Department expeditiously issue a formal statement of its overall Nuclear Safety Policy;
2. that increased attention be given to the qualifications and background of managers and technical staff assigned to the development and implementation of standards and that the numbers of personnel suited to this activity be increased commensurate with its importance;
3. that standards program officials be given direct access to the highest levels of DOE management;
4. that the Department critically reexamine its existing infrastructure for standards development and implementation at Headquarters to determine if organizational or managerial changes are needed to (1) emphasize the priority and importance of standards to assuring public health and safety; (2) expand the program to facilitate the rapid development and implementation of standards; and (3) streamline the DOE approval process for standards; and
5. that the Department reexamine the corresponding organizational units at DOE's principal Operations and Field

Offices and DOE contractor organizations to determine if those organizations' standards infrastructure, responsibilities and resources would also benefit from changes to reflect improvements at Headquarters which strengthen and expedite standards development and implementation.

In addition to these important organizational and management concerns, the Board's continuing review of the Savannah River standards program has resulted in identifying other standards issues which need to be addressed. In November 1990, the Board transmitted to the Secretary of Energy copies of a MITRE Corporation report, developed under the Board's direction and guidance, on the subject of Department of Energy standards imposed by Department Orders and supplements prepared by the Savannah River Operations Office. The MITRE report disclosed a number of deficiencies in the Department's Order program, many of which had previously been noted by other reviewing bodies.

Certain findings and conclusions reached by MITRE are of particular concern to the Board. Specifically, MITRE concluded that "the DOE Orders...lack the systematic approach and coherence necessary for understanding DOE's safety management philosophy." MITRE also concluded that "In many areas pertinent to safety, the DOE Orders do not provide specific requirements and supporting guidelines for implementing DOE's safety objectives...; a great deal is left to be defined and interpreted by the DOE contractor(s) operating the facilities."

In addition, MITRE concluded that "Certain DOE Orders that address topics important to safety do not focus on safety," and that "The DOE Orders require compliance with very few mandatory nuclear safety standards for existing reactors or nonreactor facilities." Therefore, the Board recommends:

6. that DOE review all the findings and conclusions of both the Executive Summary and of Volume 2 of the MITRE report, identify which findings and conclusions it considers valid and appropriate in DOE's Response to this set of Recommendations, and subsequently address those findings and conclusions in the Implementation Plan.

The Board has also noted that in DOE's restructuring of the hierarchy of orders, directives, and requirements governing the performance expected of the Department and its contractors, DOE is proceeding with the simultaneous development of rules and DOE orders. Following formal adoption of rules and the issuance of related DOE orders, revised directives and other requirements are to be issued. Recognizing the immediacy of need, one such

directive has already been issued as an Immediate Action Directive (IAD). In view of DOE's decision to proceed with rulemaking as the means for addressing some of the subjects appropriate for articulation of Department requirements, the Board recommends:

7. that DOE expedite the issuance of revised safety orders, directives, or other requirements as a means of addressing the need for substantive guidance on the wide variety of safety requirements, while DOE is promulgating rules.



John T. Conway, Chairman

Activity, address, telephone number, project number, DoDDS assessable unit, year, status, originator, action office, project title, location, suspense dates, and cross-reference.

SAFEGUARDS

The system location is a controlled-access facility that is locked when not occupied. Paper records are kept in filing cabinets and other storage devices that are secured when the office is not occupied. Access to records is restricted to DoDDS Internal Review Office personnel. The computer database is maintained on a personal computer. Access to computer records is controlled by a user identification and password system. Personnel having access are limited to those having a need-to-know who have been trained in handling Privacy Act information.

RETENTION AND DISPOSAL

Paper records are retained for ten years and then destroyed. Computer files are retained for 15 years and are then deleted or media destroyed.

SYSTEM MANAGER AND ADDRESS

Department of Defense Dependents Schools (DoDDS), Internal Review Office, ATTN: Internal Control Officer, APO NY 09834-0005

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Office of Dependents Schools, ATTN: Privacy Act Officer, 2461 Eisenhower Avenue, Alexandria, VA 22331-1100.

The request should include the region and/or facility where the individual was assigned, employed, affiliated, or located, and the period during which the record may have been created. Individual's Social Security Number and should be included in the inquiry for positive identification.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this system of records should address a written request to the Office of Dependents Schools, ATTN: Privacy Act Officer, 2461 Eisenhower Avenue, Alexandria, VA 22331-1100.

The individual should reference the region and location and where assigned or affiliated applicable to the period during which the record was maintained. Social Security Number should be included in the inquiry for positive identification.

CONTESTING RECORD PROCEDURES:

The Office of the Secretary of Defense rules for accessing records and for contesting contents and appealing initial OSD determinations are published in OSD Administrative Instruction No. 1, "OSD Privacy Program"; 32 CFR part 288b, or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Report and records of investigators, subjects, informants, witnesses, auditors, and other personnel. Source material includes official records, investigative leads, statements, depositions, business records, audit reports and studies, and other pertinent material available in the course of a review or investigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2) as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 288b.7. For additional information contact the system manager.

[FR Doc. 91-5918 Filed 3-12-91; 8:45 am]

BILLING CODE 3810-01-4

Settlement of Tort Claims; Correction

On February 28, 1991, the Department of Defense published a determination on the Settlement of Tort Claims. This notice is published to correct a typographical error cited for the United States Code that relates to the administrative settlement of Federal tort claims. "28 U.S.C. 2682" is corrected to read "28 U.S.C. 2872".

Dated: March 8, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-5917 Filed 3-12-91; 8:45 am]

BILLING CODE 3810-01-4

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates/Time of Meeting: 4 April 1991.

Time: 0800-1500 Hours.

Place: Fort Gordon, Georgia.

Agenda: Members of the C31 Issue Group of the Army Science Board will meet at Fort Gordon, Georgia to continue work on the Follow-On Radio to SINCGARS. This meeting

will address in detail the emerging requirements for an objective combat net radio, the process and analysis which support the requirement, and the postulated and projected threat against which the new radio must operate. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. The ASB Administrative Officer Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 91-5897 Filed 3-12-91; 8:45 am]

BILLING CODE 3710-4-M

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

[Recommendation 91-1]

Strengthening the Nuclear Safety Standards Program for DOE's Defense Nuclear Facilities

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice; recommendations.

SUMMARY: The Defense Nuclear Facilities Safety Board has made a recommendation to the Secretary of Energy pursuant to 42 U.S.C. 2286a concerning strengthening the nuclear safety standards program for DOE's defense nuclear facilities. The Board requests public comments on this recommendation.

DATES: Comments, data, views, or arguments concerning this recommendation are due on or before April 12, 1991.

ADDRESSES: Send comments, data, views, or arguments concerning this recommendation to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT:

Kenneth M. Pusateri or Carole J. Council, at the address above or telephone (202) 208-6400.

Dated: March 7, 1991.

John T. Conway,
Chairman.

Content and Implementation of DOE's Safety Standards Program

Dated: March 7, 1991.

Among other functions of the Defense Nuclear Facilities Safety Board (Board),

section 312 of the Atomic Energy Act requires that:

The Board shall review and evaluate the content and implementation of the standards relating to the design, construction, operation, and decommissioning of defense nuclear facilities of the Department of Energy (including all applicable Department of Energy orders, regulations, and requirements) at each Department of Energy defense nuclear facility. The Board shall recommend to the Secretary of Energy those specific measures that should be adopted to ensure that public health and safety are adequately protected. The Board shall include in its recommendations necessary changes in the content and implementation of such standards, as well as matters on which additional data or additional research is needed.

The Defense Nuclear Facilities Safety Board is continuing its review of the adequacy of the content and implementation of applicable nuclear safety standards relating to the design, construction, operation, and decommissioning of defense nuclear facilities of the Department of Energy. This review is not confined to the area of standards as they are sometimes understood, such as those issued by standards organizations, but includes as well all applicable Department of Energy Orders and regulations, directives, and other requirements that fall within the Board's statutory oversight responsibility, 42 U.S.C. 2286a.

During 1990, the Board communicated to senior Department of Energy (DOE) personnel its preliminary concerns about the content and the implementation of currently available standards. The Board's previous Recommendation 90-2, dated March 8, 1990, addressed certain aspects of this subject. On several occasions since Recommendation 90-2 was issued, the Board and its staff have met with DOE representatives on this subject, including an in-depth briefing given to the Board, at the Secretary's direction, by three Assistant Secretaries, major Office Directors, and their staff on December 11, 1990. That briefing was arranged to provide an opportunity for senior DOE officials to present to the Board the Department's overall safety management philosophy and to demonstrate DOE's commitment to fully implement Recommendation 90-2 and other aspects of its standards program. On February 13, 1991, in fulfillment of a commitment given to the Board at the briefing, DOE transmitted to the Board a schedule for completing the first phase of its nuclear safety rulemaking. In a cover letter accompanying the February 13, 1991, schedule, DOE stated that safety orders "will be issued

concurrently with publication of the proposed rules for comment."

The Board remains concerned that progress in issuing standards within DOE is not being made rapidly enough to meet the priorities that the Secretary of Energy has articulated regarding the implementation of safety standards at DOE's defense nuclear facilities. Existing policy, infrastructure, and management priorities relating to the safety standards program may need alteration or refinement if nuclear safety requirements are to be issued, and more importantly, implemented, in a timely fashion. Therefore, the Board recommends:

1. That the Department expeditiously issue a formal statement of its overall Nuclear Safety Policy;
2. That increased attention be given to the qualifications and background of managers and technical staff assigned to the development and implementation of standards and that the numbers of personnel suited to this activity be increased commensurate with its importance;
3. That standards program officials be given direct access to the highest levels of DOE management;
4. That the Department critically reexamine its existing infrastructure for standards development and implementation at Headquarters to determine if organizational or managerial changes are needed to (1) emphasize the priority and importance of standards to assuring public health and safety; (2) expand the program to facilitate the rapid development and implementation of standards; and (3) streamline the DOE approval process for standards; and
5. That the Department reexamine the corresponding organizational units at DOE's principal Operations and Field Offices and DOE contractor organizations to determine if those organizations' standards infrastructure, responsibilities and resources would also benefit from changes to reflect improvements at Headquarters which strengthen and expedite standards development and implementation.

In addition to these important organizational and management concerns, the Board's continuing review of the Savannah River standards program has resulted in identifying other standards issues which need to be addressed. In November 1990, the Board transmitted to the Secretary of Energy copies of a MITRE Corporation report, developed under the Board's direction and guidance, on the subject of Department of Energy standards imposed by Department Orders and supplements prepared by the Savannah

River Operations Office. The MITRE report disclosed a number of deficiencies in the Department's Order program, many of which had previously been noted by other reviewing bodies.

Certain findings and conclusions reached by MITRE are of particular concern to the Board. Specifically, MITRE concluded that "the DOE Orders * * * lack the systematic approach and coherence necessary for understanding DOE's safety management philosophy." MITRE also concluded that "In many areas pertinent to safety, the DOE Orders do not provide specific requirements and supporting guidelines for implementing DOE's safety objectives * * * a great deal is left to be defined and interpreted by the DOE contractor(s) operating the facilities."

In addition, MITRE concluded that "Certain DOE Orders that address topics important to safety do not focus on safety," and that "The DOE Orders require compliance with very few mandatory nuclear safety standards for existing reactors or nonreactor facilities." Therefore, the Board recommends:

6. That DOE review all the findings and conclusions of both the Executive Summary and of Volume 2 of the MITRE report, identify which findings and conclusions it considers valid and appropriate in DOE's Response to this set of Recommendations, and subsequently address those findings and conclusions in the Implementation Plan.

The Board has also noted that in DOE's restructuring of the hierarchy of orders, directives, and requirements governing the performance expected of the Department and its contractors, DOE is proceeding with the simultaneous development of rule and DOE orders. Following formal adoption of rules and issuance of related DOE orders, revised directives and other requirements are to be issued. Recognizing the immediacy of need, one such directive has already been issued as an Immediate Action Directive (IAD). In view of DOE's decision to proceed with rulemaking as the means for addressing some of the subjects appropriate for articulation of Department requirements, the Board recommends:

7. That DOE expedite the issuance of revised safety orders, directives, or other requirements as a means of addressing the need for substantive guidance on the wide variety of safety

requirements, while DOE is promulgating rules.

John T. Conway,
Chairman.

Appendix—Transmittal Letter to the Secretary of Energy

March 7, 1991.

The Honorable James D. Watkins,
Secretary of Energy, Washington, DC 20585.

Dear Mr. Secretary: On March 7, 1991, the Defense Nuclear Facilities Safety Board, in accordance with Section 312(s) of Public Law 100-456, approved a recommendation which is enclosed for your consideration.

Section 315(A) of Public Law 100-456 requires the Board, after receipt by you, to promptly make this recommendation available to the public in the Department of Energy's regional public reading rooms. Please arrange to have this recommendation placed on file in your regional public reading rooms as soon as possible.

The Board will publish this recommendation in the Federal Register.

Sincerely,

John T. Conway,
Chairman.

[FR Doc. 91-5943 Filed 3-12-91; 8:45 am]

BILLING CODE 6820-KD-M

DEPARTMENT OF ENERGY

Intent To Prepare an Environmental Impact Statement and to Conduct Public Scoping Meetings; Rocky Flats Plant, Golden, CO

AGENCY: U.S. Department of Energy.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare a Site-wide Environmental Impact Statement (EIS) on the operations at the Rocky Flats Plant (RFP) located near Golden, in Jefferson County, Colorado. The RFP Site-wide EIS will be prepared pursuant to the National Environmental Policy Act (NEPA) of 1969 (42 USC *et seq.*), as amended, in accordance with the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (40 CFR parts 1500-1506, and the DOE NEPA guidelines (57 FR 47662, December 15, 1987).

The DOE also announces public scoping meetings in conjunction with developing the EIS. The Site-wide EIS will identify and assess potential impacts and also present a full evaluation of the cumulative environmental impacts of current operations and reasonably foreseeable future actions, including proposed near-term (within 5 to 10 years) projects and long-term environmental restoration activities at the RFP. NEPA does not

require curtailment of continuing operations while a site-wide EIS is being prepared. The DOE does not intend to delay its decision on resumption of plutonium pit manufacturing at the RFP until completion of the updated Site-wide EIS.

Alternatives regarding the possible relocation of weapons production functions now performed at the RFP will be addressed in a DOE Programmatic EIS (PEIS) addressing reconfiguration of the DOE nuclear weapons complex and will not be included in this EIS. The notice of intent (NOI) for the Reconfiguration PEIS was published on February 11, 1991 (56 FR 5590). Similarly, issues concerning Department-wide long-term environmental restoration and waste management policies and practices will be assessed in a separate DOE PEIS on these subjects. The NOI for the DOE environmental restoration and waste management PEIS was published on October 22, 1990 (55 FR 42633).

Additional NEPA reviews for proposed projects at the RFP may be tiered from the final Site-wide EIS or PEISs, as appropriate. Individual environmental restoration projects subject to this Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) may be the subject of integrated NEPA/CERCLA documents as provided in DOE Order 5400.4. These documents will address the impacts of individual cleanup actions as the actions are planned.

PUBLIC INFORMATION MEETING: DOE will hold a public information meeting on April 4, 1991, at the Westminster City Park Recreation Center, 10455 N. Sheridan Blvd., Westminster, Colorado, from 7 to 9 p.m. The purpose of this meeting is to give the public an opportunity to obtain information and have questions answered regarding the proposed EIS and to facilitate public participation in the EIS scoping process.

SCOPING PROCESS: Public scoping meetings are scheduled on April 8 and April 11, 1991, from 9 a.m. to 9:30 p.m., with breaks from 12 to 1 p.m. and 5 to 6:30 p.m. each day, at the following locations:

1. April 8, 1991, Jefferson County Commissioner's Hearing Room, 1700 Arapahoe Street, Golden, Colorado
2. April 11, 1991, Westminster City Park Recreation Center, 10455 N. Sheridan Blvd., Westminster, Colorado

The purpose of the scoping meetings is to receive public input on the Site-wide EIS scope, thereby assisting DOE in determining the appropriate range of impacts and environmental issues to be

considered in the EIS. The meetings will be chaired by a presiding officer. The meetings will not be conducted as evidentiary hearings and there will not be cross-examining of the speakers; however, the presiding officer may ask for clarification of statements made to ensure that DOE fully understands the comments and suggestions. The presiding officer will establish the order of speaker and provide any additional procedures necessary for the conduct of the meetings. To ensure that all persons wishing to make presentations can be heard, a 10-minute limit for a designated organization representative and a 5-minute limit for each individual speaker will be used as a guideline. People who do not pre-register to speak may register at the meeting. They will be scheduled to speak, as time permits, after all previously scheduled speakers have been given an opportunity to make their presentations.

Written and oral comments will be given equal weight in determining the scope of the EIS. Anyone wishing to provide written comments may submit such comments to DOE at the public scoping meetings or at the address listed below. Written comments postmarked by April 29, 1991, will be considered by DOE in the preparation of the EIS. Written comments postmarked after that date will be considered to the extent practicable.

The DOE will prepare transcripts of the scoping meetings. The public may review the transcripts, written comments, reference material, related NEPA documents, and background information on the Rocky Flats Plant during normal business hours at the following DOE public reading rooms:
U.S. Department of Energy, Freedom of Information Act Reading Room, room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6020.
Rocky Flats Public Reading Room, Front Range Community College Library, 3645 West 112th Avenue, Westminster, Colorado 80030, (303) 469-4135.

Following the completion of the public scoping process, an EIS Implementation Plan will be issued that summarizes the comments received and describes the intended scope of the EIS. The EIS Implementation Plan is scheduled to be issued in Summer 1991 and will be publicly available.

The publication schedule for the draft EIS will be included in the EIS Implementation Plan. The availability of the draft EIS will be announced in the Federal Register and local media, and