

1114(B), the Board members shall serve for a term of 15 years; except those Board members appointed to fill a vacancy occurring before the end of the term for which the predecessor was appointed shall serve only until the end of such term. Board members may serve after the end of the term until a successor has taken office. No Board member, other than those originally appointed for less than 15-year term or a Board member appointed to fill an unexpired term may be reappointed for successive terms.

Board members shall be appointed by the Secretary of Defense, and their membership shall be renewed by the Secretary of Defense on an annual basis. A member of the Board may be removed by the Secretary of Defense for misconduct or failure to perform functions vested in the Board, and for no other reason.

Board members appointed by the Secretary of Defense, who are not full-time or permanent part-time federal officers or employees, shall serve as special government employees under the authority of 5 U.S.C. 3109, and shall, under the authority of 10 U.S.C.

1114(a)(3), serve with compensation, to include travel and per diem for official travel, in accordance with Title 5, United States Code, Section 5703.

The Chairperson of the Board shall be designated by the Under Secretary of Defense (Personnel and Readiness), on behalf of the Secretary of Defense.

With DoD approval, the Board is authorized to establish subcommittees, as necessary and consistent with its mission. These subcommittees shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), and other Governing Federal statutes and regulations.

Such subcommittees shall not work independently of the chartered Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Board; nor can they report directly to the Department of Defense or any Federal officers or employees who are not Board members.

Subcommittee members who are not Board members, shall be appointed in the same manner as the Board members.

**FOR FURTHER INFORMATION CONTACT:**

Contact Jim Freeman, Deputy Advisory Committee Management Officer for the Department of Defense, 703-601-6128.

**SUPPLEMENTARY INFORMATION:** The Board shall meet at the call of the Board's

Designated Federal Officer, in consultation with the Chairperson. The estimated number of Board meetings is one per year.

The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with governing DoD policies and procedures. In addition, the Designated Federal Officer is required to be in attendance at all Board and subcommittee meetings; however, in the absence of the Designated Federal Officer, the Alternate Designated Federal Officer shall attend the meeting.

Pursuant to 41 CFR 102-3.105(j) and 102-3.140, the public or interested organizations may submit written statements to the Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries' membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries.

All written statements shall be submitted to the Designated Federal Officer for the Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries Designated Federal Officer can be obtained from the GSA's FACA Database—<https://www.fido.gov/facadatabase/public.asp>.

The Designated Federal Officer, pursuant to 41 CFR 102-3.150, will announce planned meetings of the Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: November 18, 2010.

**Morgan F. Park,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2010-30041 Filed 11-29-10; 8:45 am]

**BILLING CODE 5001-06-P**

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

[Recommendation 2010-1]

**Safety Analysis Requirements for Defining Adequate Protection for the Public and the Workers**

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Notice, recommendation; correction

**SUMMARY:** Pursuant to 42 U.S.C. 2286a(a)(5), the Defense Nuclear Facilities Safety Board has made a recommendation to the Secretary of Energy requesting an amendment to the Department of Energy's nuclear safety rule, 10 CFR part 830. An incorrect electronic file was submitted to the **Federal Register** and published on November 15, 2010 (75 FR 69648). The corrected text of the recommendation approved by the Board is below. The Board is extending the public comment period to allow for consideration of this correction by all interested parties.

**DATES:** Comments, data, views, or arguments concerning the recommendation are due on or before December 30, 2010.

**ADDRESSES:** Send comments, data, views, or arguments concerning this recommendation to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004-2901.

**FOR FURTHER INFORMATION CONTACT:** Brian Grosner or Andrew L. Thibadeau at the address above or telephone number (202) 694-7000.

*Correction:* In the **Federal Register** of November 15, 2010 (75 FR 69648), immediately following the signature block, the recommendation should read as follows:

Dated: November 23, 2010.

**Peter S. Winokur,**  
*Chairman.*

**Recommendation 2010-1 to the Secretary of Energy**

*Safety Analysis Requirements for Defining Adequate Protection for the Public and the Workers, Pursuant to 42 U.S.C. 2286a(a)(5), Atomic Energy Act of 1954, As Amended*

Dated: October 29, 2010

**Background**

The Department of Energy's (DOE) nuclear safety regulations were developed as a result of a mandate by Congress in the Price Anderson Act Amendments of 1988. These regulations now appear in Parts 820, 830, and 835 of Title 10 in the Code of Federal Regulations (CFR). In this Recommendation, the Defense Nuclear Facilities Safety Board (Board) addresses recent changes in DOE's

“interpretation” of certain critical provisions of Title 10 CFR Part 830, *Nuclear Safety Management* (10 CFR Part 830), provisions that are intended to provide adequate protection of public health and safety. As explained below, in the Board’s view this revised interpretative posture weakens the safety structure the rule is designed to hold firmly in place.

10 CFR Part 830 imposes a requirement that a documented safety analysis (DSA) is to be prepared for every DOE nuclear facility. This DSA, once approved by DOE, forms the regulatory basis for safety of the facility or operation. 10 CFR Part 830 does more, however: its Appendix A provides “safe harbors” for the preparation and approval of DSAs. These safe harbors are, in the main, references to detailed guidance issued by DOE. A DSA that is prepared following applicable guidance found in safe harbors should be found acceptable, meaning that the facility’s safety systems are adequate to protect public health and safety from nuclear hazards.

One of the key safe harbor guides for the preparation of DSAs is DOE Standard 3009–94, *Preparation Guide for U.S. Department of Energy Nonreactor Nuclear Facility Safety Analysis Reports*.<sup>1</sup> First issued in July of 1994, this Standard was intended to provide guidance on meeting the requirements imposed by DOE Order 5480.23, *Nuclear Safety Analysis Reports*, a set of nuclear safety requirements that preceded and were supplanted by 10 CFR Part 830. The Standard stated that “Technical Standards, such as this document, support the guides by providing additional guidance into how the requirements [of Orders and Rules] should be met.” As such, it did not contain any nuclear safety requirements. Five years after its initial issuance, DOE amended Standard 3009–94 by the addition of Appendix A, currently entitled “Evaluation Guideline.” The guideline applies a dose criterion to the results of accident calculations found in DSAs. Stated broadly, the Standard mandates that safety class systems, structures, and components (SSCs) be installed if in a potential accident the unmitigated dose consequence calculations for a release scenario at the site boundary approach the Evaluation Guideline numerical value. The Evaluation Guideline value established in DOE–STD–3009–94 Appendix A is 25 rem Total Effective Dose Equivalent (TEDE). The Standard further states that although 25 rem is not considered an acceptable public exposure, it is generally accepted as a value indicative of no significant health effects.

When 10 CFR Part 830 was promulgated in final form in early 2001, the version of DOE Standard 3009–94 incorporated into Appendix A of the rule as a safe harbor included the Evaluation Guideline. This combination of the rule’s requirement for an approved DSA and the application of the Evaluation Guideline of DOE Standard 3009–94 formed the basis upon which adequate protection of the public health and safety

would be gauged. Whenever dose consequence calculations showed that an accident scenario would result in offsite doses approaching 25 rem TEDE, the expectation was that safety related SSCs would function as designed, ensuring that public doses would never exceed a small fraction of the Evaluation Guideline.

#### Developments Since 2001

As a safe harbor for 10 CFR Part 830, the Evaluation Guideline described in DOE Standard 3009–94 has been enforced and met for the majority of DOE’s defense nuclear facilities, assuring adequate protection of the public, workers, and the environment. However, in December 2008, the National Nuclear Security Administration (NNSA) approved a DSA for the Plutonium Facility at Los Alamos National Laboratory that represented a significant departure from the accepted methodology, as discussed in the Board’s Recommendation 2009–2, *Los Alamos National Laboratory Plutonium Facility Seismic Safety*. The Board followed up its Recommendation with a letter to the Deputy Secretary of Energy on March 15, 2010, that sought to determine whether DOE’s current interpretation of 10 CFR Part 830 and DOE Standard 3009–94 still supports the principles of providing adequate protection of the public, workers, and the environment from the hazards of operating DOE’s defense nuclear facilities. The Board’s letter particularly expressed concern regarding the appearance that DOE’s present interpretation is that the nuclear safety Evaluation Guideline established in DOE Standard 3009–94 does not have to be met.

DOE’s June 10, 2010, response to the Board’s letter states that DOE’s utilization and implementation of DOE Standard 3009–94 has not changed since issuance of 10 CFR Part 830. DOE’s response observes that DOE Standard 3009–94 “was not written as a prescriptive item-by-item requirements document; rather it provides an overall approach and guidance for preparing a DSA.” DOE’s response states that the Standard describes steps that the contractor may take if the postulated accident consequences cannot be mitigated below the Evaluation Guideline. DOE’s response also cites guidance for DOE approval authorities contained in DOE Standard 1104–2009, *Review and Approval of Nuclear Facility Safety Basis and Safety Design Basis Documents*, and notes that the Safety Basis Approval Authority may prescribe interim controls and planned improvements if the Evaluation Guideline is exceeded. DOE’s response closes by stating that its managers “are expected to carefully evaluate situations that fall short of expectations and only provide their approval of documented safety analyses when they are satisfied that operations can be conducted safely \* \* \*, that options to meet DOE expectations have been evaluated, and that adequate commitments to achieve an appropriate safety posture in a timely manner have been made.”

The lack of definitive statements in DOE’s June 10, 2010, response illustrates the difficulties inherent in applying a guidance document as a safe harbor for implementing

the requirements of a regulation.

Furthermore, NNSA’s approval of the DSA for the Los Alamos National Laboratory’s Plutonium Facility in December 2008 demonstrates that, despite DOE’s stated expectations, it is not always true that DOE’s managers will ensure safety by imposing conditions of approval that address inadequacies in the safety basis. This is illustrated to a lesser extent at the other NNSA facilities—described in follow-up correspondence NNSA issued to the Board on June 30, 2010—which have not implemented controls or compensatory measures sufficient to reduce accident consequences below the Evaluation Guideline. DOE Standard 1104–2009 serves as a source of guidance for DOE Safety Basis Approval Authorities, but it, too, is a guidance document, unequivocally stating, “This Standard does not add any new requirements for DOE or its contractors.”

DOE’s standards-based regulatory system needs a clear and unambiguous set of nuclear safety requirements to ensure that adequate protection of the public, workers, and the environment is provided. Further, it is imperative that DOE provide clear direction to its Safety Basis Approval Authorities to ensure that, if nuclear safety requirements cannot be met prior to approval of a DSA, DOE imposes clear conditions of approval for compensatory measures for the short term and facility modifications for the longer term to achieve the required safety posture. This acceptance of risk and commitment to future upgrades must be approved at a level of authority within DOE that is high enough to control both the resources needed to accomplish the upgrades as well as the programmatic decision-making involved in determining that the risk of continuing operations is offset by sufficiently compelling programmatic needs.

Item 4 of the Recommendation below deserves a further word of explanation. The Board does not recommend lightly a change to DOE’s nuclear safety regulations. But as explained above, DOE has chosen over the past several years to drift away from the principles that underlay the rule as originally intended. The Board has chosen to recommend a rule change because this action would tend, in the long run, to prevent future shifts in DOE safety policy that would once again have to be challenged and argued against. For these reasons, the Board recommends that the nuclear safety rule, 10 CFR Part 830, be amended as stated below.

#### Recommendation

Therefore, the Board recommends that DOE:

1. Immediately affirm the requirement that unmitigated, bounding-type accident scenarios will be used at DOE’s defense nuclear facilities to estimate dose consequences at the site boundary, and that a sufficient combination of SSCs must be designated safety class to prevent exposures at the site boundary from approaching 25 rem TEDE.

2. For those defense nuclear facilities that have not implemented compensatory measures sufficient to reduce exposures at the site boundary below 25 rem TEDE, direct

<sup>1</sup> When DOE issued Change Notice 2, the title of this Standard was revised to *Preparation Guide for U.S. Department of Energy Nonreactor Nuclear Facility Documented Safety Analyses*.

the responsible program secretarial officer to develop a formal plan to meet this requirement within a reasonable timeframe.

3. Revise DOE Standard 3009–94 to identify clearly and unambiguously the requirements that must be met to demonstrate that an adequate level of protection for the public and workers is provided through a DSA. This should be accomplished, at a minimum, by:

a. Clearly defining methodologies and providing acceptability criteria for controls, parameters, processes, analytical tools, and other data that should be used in preparation of a DSA,

b. Delineating the criteria to be met for identification and analyses of an adequate set of Design Basis Accidents (for new facilities), or Evaluation Basis Accidents (for existing facilities),

c. Providing criteria that must be met by the safety-class SSCs to (i) mitigate the consequences to a fraction of the Evaluation Guideline, or (ii) prevent the events by demonstrating an acceptable reliability for the preventive features, and

d. Establishing a process and path forward to meeting (a) through (c) above through compensatory measures and planned improvements if the DSA cannot demonstrate compliance.

4. Amend 10 CFR Part 830 by incorporating the revised version of DOE Standard 3009–94 into the text as a requirement, instead of as a safe harbor cited in Table 2.

5. Formally establish the minimum criteria and requirements that govern federal approval of a DSA, by revision to DOE Standard 1104–2009 and other appropriate documents. The criteria and requirements should include:

a. The authorities that can be delegated, the required training and qualification of the approval authority, and the boundaries and limitations of the approval authority's responsibilities,

b. Actions to be taken if conditions are beyond the delegated approval authority's specified boundaries or limitations,

c. The organization or the individual who can approve a DSA that is beyond the delegated approval authority's specified boundaries or limitations,

d. The regulatory process that must be followed if conditions are beyond the delegated approval authority's specified boundaries or limitations, and any compensatory actions to be taken, and

e. The criteria an approval authority must use to quantify the acceptance of risk for continued operations when offsite dose consequences approach the Evaluation Guideline.

6. Formally designate the responsible organization and identify the processes for performing oversight to ensure that the responsibilities identified in Item 5 above are fully implemented.

Peter S. Winokur, Ph.D., Chairman

[FR Doc. 2010–30004 Filed 11–29–10; 8:45 am]

**BILLING CODE 3670–01–P**

## DEPARTMENT OF EDUCATION

### Notice of Submission for OMB Review

**AGENCY:** Department of Education.

**ACTION:** Comment Request.

**SUMMARY:** The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

**DATES:** Interested persons are invited to submit comments on or before December 30, 2010.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or e-mailed to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) with a cc: to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please note that written comments received in response to this notice will be considered public records.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The OMB is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: November 24, 2010.

**Darrin A. King,**

*Director, Information Collection Clearance Division Regulatory Information Management Services Office of Management.*

### Institute of Education Sciences

*Type of Review:* New.

*Title of Collection:* Study of Schools Targeted for Improvement Using Title I

Section 1003(g) Funds Provided Under the American Recovery and Reinvestment Act (Study of School Turnaround).

*OMB Control Number:* Pending.

*Agency Form Number(s):* N/A.

*Frequency of Responses:* Annually.

*Affected Public:* Not-for-profit institutions; State, Local, or Tribal Government, State Educational Agencies, Local Educational Agencies.

*Total Estimated Number of Annual Responses:* 8,463.

*Total Estimated Annual Burden Hours:* 3,803.

*Abstract:* The purpose of the Study of School Turnaround is to document over time the intervention models, approaches, and strategies adopted and implemented by a subset of 60 schools receiving federal School Improvement Grants (SIG), Title I Section 1003(g), provided under the American Recovery and Reinvestment Act. To this end, the evaluation will employ multiple data collection strategies, including telephone interviews with school principals, district administrators and state officials; site visits to case study schools; teacher surveys; and collection of fiscal data. Specifically, the study will conduct telephone interviews with building principals and will administer teacher surveys in 60 schools, over three years. This set of 60 SIG-awarded schools will include three nested subsamples: One set of 25 schools in which the study team will conduct in-depth case studies over three years, and two sets of 10 “special topics” schools in which the study team will collect interview, focus group, and survey data on topics of policy interest over a period of two years. The study will produce annual reports, accompanied by more focused research briefs on special topics related to the change process in the nation's lowest-performing schools.

Requests for copies of the information collection submission for OMB review may be accessed from the *RegInfo.gov* Web site at <http://www.reginfo.gov/public/do/PRAMain> or from the Department's Web site at <http://edicsweb.ed.gov>, by selecting the “Browse Pending Collections” link and by clicking on link number 4446. When you access the information collection, click on “Download Attachments” to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to the Internet address [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to 202–401–0920. Please specify the complete title of the information collection and