

**Footnotes**

<sup>1</sup> Commercial facilities are not available. The meal and incidental expense rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

<sup>2</sup> Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

<sup>3</sup> On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of \$19.65 is prescribed to cover meals and incidental expenses at Shemya AFB, Clear AFS, Galena APT and King Salmon APT. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by \$4 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

<sup>4</sup> On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of \$34 is prescribed to cover meals and incidental expenses at Amchitka Island, Alaska. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by \$10 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

<sup>5</sup> On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of \$25 is prescribed instead of the rate prescribed in the table. This rate will be increased by the amount paid for U.S. Government or contractor quarters.

<sup>6</sup> The meal rates listed below are prescribed for the following locations in Alaska: Cape Lisburne RRL, Cape Newenham RRL, Cape Romanzof APT, Fort Yukon RRL, Indian Mtn RRL, Sparrevohn RRL, Tatalina RRL, Tin City RRL, Barter Island AFS, Point Barrow AFS, Point Lay AFS and Oliktok AFS. The amount to be added to the cost of government quarters in determining the per diem will be \$3.50 plus the following amount:

	Daily rate
DOD Personnel .....	\$13
Non-DOD Personnel .....	30

<sup>7</sup> (Eff 9-1-94) A per diem rate of \$200 (lodging \$148; M&IE \$52) will be in effect for Las Croabas, Puerto Rico, during the Annual Conference of the National Association of State Boating Law Administrators (NASBLA) being held at the El Conquistador Resort and County Club. This rate will be in effect from 4-12 September 1994 only for travelers attending the conference and only for travelers staying at the El Conquistador Resort.

Dated: January 3, 1995.

**L.M. Bynum,**

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

[FR Doc. 95-314 Filed 1-5-95; 8:45 am]

BILLING CODE 5000-04-M

**Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review**

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collections of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Title; Applicable Form; and OMB Control Number; Air Force ROTC College Scholarship Application; AF Form 113; OMB Control Number 0701-0101*

*Type of Request: Expedited Processing—Approval date requested: 30 days following publication in the Federal Register*

*Number of Respondents: 2,000*

*Responses per of Respondent: 1*

*Annual Responses: 2,000*

*Average Burden per Response: 30 minutes*

*Annual Burden Hours: 1,000*

*Needs and Uses:* The information collected hereby, provides the DoD approving authority with the data necessary to evaluate and rule on requests from the public for military aerial support at community relations Events

*Affected Public:* Individuals or households; State or local governments; Federal agencies or employees; and non-profit institutions

*Frequency:* On occasion

*Respondent's Obligation:* Required to obtain or retain a benefit

*OMB Desk Officer:* Mr. Edward C. Springer. Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC. 20503

*DOD Clearance Officer:* Mr. William Pearce. Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302.

Dated: January 3, 1995.

**Patricia L. Toppings,**

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

[FR Doc. 95-315 Filed 1-5-95; 8:45 am]

BILLING CODE 5000-04-M

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

[Recommendation 94-5]

**Integration of DOE Safety Rules, Orders, and Other Requirements**

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

**ACTION:** Notice; recommendation.

**SUMMARY:** The Defense Nuclear Facilities Safety Board has made a recommendation to the Secretary of Energy pursuant to 42 U.S.C. 2286a concerning Integration of DOE Safety Rules, Orders, and Other Requirements. The Board requests public comments on this recommendation.

**DATES:** Comments, data, views, or arguments concerning this recommendation are due on or before February 6, 1995.

**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 C. Morgan, at the address above or telephone (202) 208-6400.

Dated: January 2, 1995.

**John T. Conway,**  
*Chairman.*

**[Recommendation 94-5]**

The Board has been following with considerable interest the structure of DOE's nuclear health and safety requirements as the transition is being made from the use of Orders to rulemaking. The Board recognizes that the change has been prompted by provisions of the Price/Anderson Act Amendments of 1988, the need for uniform, enforceable requirements, and by a desire of the Department to provide greater opportunities for public input into the process for establishment of requirements. Thus the Board understands the reasons for development and promulgation of nuclear safety requirements through rulemaking. However, the Board has expressed reservations in the past and remains concerned today lest the process of conversion of Orders to rules is used as occasion to:

(1) Unduly relax or eliminate important nuclear safety requirements in Orders.

(2) Relegate good nuclear safety practices extant in existing Orders to optional status.

(3) Forego or delay current efforts to bring safety practices into compliance with mutually agreed implementation plans that respond to recommendations of the Board.

In accepting Recommendation 91-1, your predecessor advised that rulemaking would be a time-consuming process, and he committed to expedited issuance and implementation of updated requirements in DOE Orders while rules are developed. More recently, in your response of October 21, 1994 to the Board's May 6, 1994 inquiry to the Department, you also acknowledged the need for interim development, revision, and compliance with requirements in DOE Orders while rules are being promulgated.

In fact, your response reflected more completely the process that has been developed in discussions with the Board and its staff. It stated that:

(1) The Department is committed to a requirements-based safety management program.

(2) Environment, safety and health requirements are identified in rules and Orders.

(3) Orders are the prevailing means by which the Department identifies management objectives that are requirements for its personnel, and when incorporated into contracts, requirements for DOE contractors.

(4) Nuclear safety Orders are being phased into rules. Rules are the documents by which the DOE establishes binding requirements of general applicability and are adopted pursuant to the Administrative Procedures Act.

(5) Contractors are expected to comply with a rule or Order when it becomes effective.<sup>1</sup>

(6) Standards/Requirements Identification Documents (S/RIDs) are developed as compilations of site and facility-specific requirements contained in applicable legislation, rules, Orders, technical standards and other directives necessary to operate facilities or conduct DOE activities with adequate protection of workers and the general public.

This summary clearly shows that DOE intends that the definition of what constitutes adequacy in the way of

protection of workers and the public extends beyond the requirements of rules. In that, the Board definitely concurs. It is the compilation of requirements as envisaged for RIDs that represents the more comprehensive base upon which sites and facilities are to be managed from the environment, health and safety viewpoint. This has also been the thrust of many of the Board recommendations dealing with Order compliance.

However, the action toward development of S/RIDs has been slow. Requirements in Orders have been and are still the prevailing DOE means for defining safety requirements for contractors. Requirements in Orders are made enforceable by incorporating Orders into contracts. Therefore, the Board has reviewed a number of existing M & O contracts relative to provisions for Order compliance. The Board has also examined the health and safety management specifications included in several recently proposed contract actions (for example, at Rocky Flats and Hanford/Solid Waste Management). Performance per conditions specified either in existing contracts or those more recently examined will not in our view assure delivery of the safety management programs we believe that the Board and the Department expect.

Though the Board has been reassured by your letter of October 21 and by other means that requirements in DOE Orders are to remain operative until replaced by rules, there appears to be contrary guidance being issued to the field. For example, a May 27, 1994 memorandum from the Assistant Secretary for Defense Programs provides guidance that in effect encourages a premature shift in resources from Order compliance to rule compliance. For rules that will have progressed far enough in the promulgation process that only a few months are left for a show of compliance, such action may be appropriate as regards establishing priorities in assigning resources. However, such action should not be construed as countenancing relaxation of necessary requirements of the existing Order. Moreover, for proposed rules not nearly so far along in the rule-making process, impending developments should not be taken as cause for a slowdown on compliance efforts or the upgrading of applicable requirements now in Orders and contracts.

Along similar lines, the Board has noted a November 30, 1994 advisory from the Albuquerque field office to DOE headquarters (M.S. Dienes to J. Fitzgerald) that a hold has been placed

on the radiation protection functional appraisal process until DOE review and approval of the implementation plans for the rule have been completed. There is no rational justification for such deferral. Such action suggests that field personnel may have been led to believe that there will be marked differences between those radiation protection programs under the rule and the requirements under existing Orders incorporated in contracts.

The provisions of the contracts and the above-mentioned advisories by DOE line management indicate that the integrated use of nuclear safety-related Rules, Orders, standards and guides in defining and executing DOE's safety management program may not be sufficiently well understood by either the M & O contractors or DOE managers. This issue was raised in the Board's letter of May 6, 1994 to the Department.

Given the situation as described above, the Board believes that further DOE actions are needed to ensure there is no relaxation of commitments made to achieve compliance with requirements in Orders while proposed rules are undergoing the development process. These actions should also provide for smooth transition of Orders to rules once promulgated. Toward that end, the Board recommends that DOE:

(1) Widely disseminate the information provided to the Board in response to our May 6, 1994 letter on DOE's Safety Management Program, and take steps to ensure that key technical and contracts personnel are well schooled in this topic.

(2) Promptly issue appropriate directives and procedures to DOE Headquarters, Field Offices and O&M contractors which:

(a) Embrace the basic principle that work already commenced or planned to develop and implement requirements in existing or revised Orders or S/RIDs should continue while rulemaking is underway;

(b) Explain in detail the relationship between safety requirements contained in Orders in O&M contracts and those contained in new rules, and the process by which a rule may "supersede" parts, or the entirety, of a safety Order;

(c) Explain that compliance with a requirement whether in a rule, Order or other directive is not accomplished by submittal of an adequate implementation plan but requires completion of action proposed by that plan;

(d) Provide guidance to contractors and DOE program offices on how to coordinate implementation plans for multiple requirements such as those in

<sup>1</sup> Note: Rules actually require an implementation plan and then allow a period for achieving compliance. A similar phase-in period is permissible for requirements in Orders incorporated into contracts.

Orders, rules, S/RIDS and other binding directives; and,

(e) In the process of eliminating duplicate requirements and in arranging the remaining ones along more user friendly guidelines, which the Board agrees is desirable, ensure that existing requirements that are necessary and appropriate are not relaxed nor eliminated, and schedule commitments for achieving compliance are not delayed.

(3) Ensure that compliance with the minimal (base-line) set of safety requirements contained in Rules is not construed as full compliance with all necessary safety requirements and does not displace effort to develop and implement through RIDS the best nuclear safety requirements and practices embodied in rules, Orders, standards, and other safety directives.

(4) Clearly establish such line, oversight, and legal responsibilities for review and approval of contractual provisions specifying environment, health and safety requirements for DOE contractors to ensure that the requirements-based safety management program expected by the DOE will be uniformly developed and consistently imposed across the complex.

#### Defense Nuclear Facilities Safety Board

December 29, 1994.

The Honorable Hazel R. O'Leary,  
Secretary of Energy, Washington, DC 20585.

Dear Secretary O'Leary: On December 29, 1994, the Defense Nuclear Facilities Safety Board, in accordance with 42 U.S.C. 2286a(5), unanimously approved Recommendation 94-5 which is enclosed for your consideration. Recommendation 94-5 deals with Integration of DOE Safety Rules, Orders, and Other Requirements.

42 U.S.C. 2286d(a) 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. The Board believes the recommendation contains no information which is classified or otherwise restricted. To the extent this recommendation does not include information restricted by DOE under the Atomic Energy Act of 1954, 42 U.S.C. 2161-68, as amended, please arrange to have this recommendation promptly placed on file in your regional public reading rooms.

The Board will publish this recommendation in the **Federal Register**.

Sincerely,

John T. Conway,  
Chairman.

[FR Doc. 95-363 Filed 1-5-95; 8:45 am]

BILLING CODE 6820-KD-M

## DEPARTMENT OF ENERGY

### Financial Assistance Award; in Support of U.S. Historically Black Colleges and Universities

**AGENCY:** U.S. Department of Energy (DOE), Pittsburgh Energy Technology Center (PETC).

**ACTION:** Notice of Restricted Eligibility.

**SUMMARY:** The Department of Energy (DOE), Pittsburgh Energy Technology announces that pursuant to 10 CFR 600.7(b)(1), and in support of the Metairie Site Office (MSO), it intends to conduct a competitive Program Solicitation No. DE-PS22-95MT95001 and to award, on a restricted eligibility basis, financial assistance (grants) to U.S. Historically Black Colleges and Universities who can show evidence of a collaborative effort with industry, in support of innovative research and advanced concepts pertinent to fossil resource conversion and utilization. Proposals will be subjected to a comparative merit review by a DOE technical panel, and awards will be made to a limited number of proposers on the basis of the scientific merit of the proposal, application of relevant program policy factors, and the availability of funds. The solicitation is expected to be available on January 12, 1995, and proposals must be received by the designated DOE office by February 28, 1995. The solicitation will be provided on a 3.5", double-sided/high density diskette, using Word Perfect 5.1 for DOS.

**FOR FURTHER INFORMATION CONTACT:** U.S. Department of Energy, Pittsburgh Energy Technology Center, Acquisition and Assistance Division, P.O. Box 10940, MS 921-143, Pittsburgh, PA 15236, Attn.: Nancy Toppetta, Telephone: (412) 892-5715, FAX: (412) 892-6216.

Requests for solicitation copies must be made in writing or be transmitted via facsimile (FAX) to (412) 892-6212. If the diskette version of the solicitation is incompatible with the proposer's computer system, then a written request should be made for a paper copy in lieu of the diskette.

**SUPPLEMENTARY INFORMATION:** *Solicitation Number:* DE-PS22-95MT95001.

*Title of Solicitation:* "Support of Advanced Fossil Resource Utilization Research at Historically Black Colleges and Universities."

*Objective:* The Department of Energy seeks proposals from Historically Black Colleges and Universities (HBCUs) and HBCU-affiliated research institutes in collaboration with the private sector for

innovative research and advanced concepts pertinent to fossil resource conversion and utilization. The resultant grants are intended to maintain and upgrade educational, training, and research capabilities of our HBCUs in the fields of science and technology related to fossil energy resources; to foster private sector participation, collaboration, and interaction with HBCUs; and to provide for the exchange of technical information and to raise the overall level of HBCU competitiveness with other institutions in the field of fossil energy research and development. Thus, the establishment of linkages between the HBCU and private sector fossil energy community is critical to the success of this program, and consistent with the Nation's goal of ensuring a future supply of fossil fuel scientists and engineers from a previously under-utilized resource.

*Eligibility:* Eligibility for participation in this Program Solicitation is redistricted to Historically Black Colleges and Universities (HBCUs) and HBCU-affiliated research institutes, and *only those that meet all of the following criteria may submit applications in response to this solicitation:* the Principal Investigator or a Co-Principal Investigator must be a teaching professor at the submitting university listed in the application; *and* at least one student registered at the university is to be compensated for work performed in the conduct of research proposed in the application; *and* each HBCU applicant must reflect collaboration with industry, i.e., the private sector. Proposals from HBCU-affiliated research institutes must be submitted through the college or university with which they are affiliated. The university (*not* the university-affiliated research institute) will be the recipient of any resultant DOE grant award. A small or large business enterprise will qualify as a "private" sector entity; however, the following are specifically excluded from recognition as private sector collaborators: Federal, state and/or local government agencies and non-HBCU colleges and universities. Collaboration by the private sector with the HBCU may be in the form of cash cost sharing, consultation, HBCU access to industrial facilities or equipment, experimental data and/or equipment not available at the university, or as a subgrantee/subcontractor to the HBCU.

*Areas of Interest:* In order to develop a focused national and regional program of HBCU research on fossil technology and resources, the Department is particularly interested in innovative