

wide Federal civilian records of current and retired Federal employees.

F. Inclusive dates of the matching program: This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this **Federal Register** notice with no significant adverse public comments in receipt resulting in a contrary determination, then this computer matching program becomes effective and the respective agencies may begin the exchange of data 30 days after the date of this published notice at a mutually agreeable time and will be repeated annually. Under no circumstances shall the matching program be implemented before the 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between HUD and DMDC, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. Address for receipt of public comments or inquiries: Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202-4502. Telephone (703) 607-2943.

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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Resolution of Potential Conflict of Interest

The Defense Nuclear Facilities Safety Board (Board) has identified and resolved a potential conflict of interest situation related to its contractor, Dr. Joseph A. Leary. This Notice satisfies the requirements of 10 CFR Part 1706.8(e) with respect to publication in the **Federal Register**. Under the Board's Organizational and Consultant Conflicts of Interests Regulations, 10 CFR Part 1706 (OCI Regulations), an organizational or consultant conflict of interest (OCI) means that because of other past, present, or future planned activities or relationships, a contractor or consultant is unable, or potentially unable, to render impartial assistance or advice to the Board, or the objectivity of such offeror or contractor in performing work for the Board is or might be otherwise impaired, or such offeror or

contractor has or would have an unfair competitive advantage. While the OCI Regulations provide that contracts shall generally not be awarded to an organization where the Board has determined that an actual or potential OCI exists and cannot be avoided, the Board may waive this requirement in certain circumstances.

The Board's mission is to provide advice and recommendations to the Department of Energy (DOE) regarding public health and safety matters related to DOE's defense nuclear facilities. This includes the review and evaluation of the content and implementation of health and safety standards including DOE orders, rules, and other safety requirements, relating to the design, construction, operation and decommissioning of DOE defense nuclear facilities.

The Board requires the continued services of TRU Engineering Company, Inc. (TRUECO), specifically Dr. Joseph A. Leary, in support of its reviews of operations at defense nuclear facilities involved in the processing and handling of nuclear materials. The Board's efforts in these areas include, but are not entirely limited to, worker safety and the handling and fabrication of nuclear materials such as uranium, plutonium, americium, curium, and neptunium. Dr. Leary's technical support to the Board, which began in 1991, includes the evaluation of documents as a basis for future operations at various defense nuclear facilities. These efforts have included visits to selected facilities to observe the operations and nuclear technologies utilized at those locations.

Dr. Leary has informed the Board of a potential conflict of interest situation. Specifically, Dr. Leary, as a private individual and not through TRUECO, has a consultant relationship with Los Alamos National Laboratory (LANL) to provide expertise regarding plutonium processing and waste management issues. He provides support to LANL's Nuclear Materials Technology Division (NMTD) by serving as a member of the NMTD External Advisory Committee (Committee). The Committee, which is comprised of eight scientists and engineers from academia and industry, provides technical assistance to LANL management in the chemistry and nuclear materials technology areas, to ensure excellence in those activities. The Committee's basic responsibilities include providing advice to management on the quality of the technical activities conducted in the NMTD and their relevance and appropriateness in relation to LANL's mission. Further, the Committee recommends modifications in the mix of

research and development activities as appropriate including the identification of new program opportunities. Dr. Leary also participated in a joint Los Alamos/Rocky Flats technology effort and facilitated group interactions within the technical and management areas. Finally, he provides general technical and management support to NMTD managers on nuclear materials processing, utilization, safeguards, waste management, and share management skills on construction and operation of nuclear materials processing facilities for integrated national programs on plutonium applications and technology transfer. All of Dr. Leary's efforts at LANL are provided on a part time, intermittent basis as needs arise.

Following a review of this potential OCI, the Board decided to continue its relationship with TRUECO based on the following circumstances. The Board's need for Dr. Leary's technical support is based on his extensive knowledge and direct experience with uranium, plutonium, americium, curium, and neptunium processing and applications, developed over approximately fifty years in various positions of responsibility. These include positions with LANL, the Atomic Energy Commission (AEC), Department of Energy (DOE), and as President of TRUECO. During this period, he was responsible for technical requirements and the conceptual design of facilities for processing radioactive materials, and radiochemical process engineering. Dr. Leary participated in extensive research in uranium and plutonium chemistry and metallurgy, developed new materials and new processes for all aspects of plutonium utilization, and originated and led the LANL pyrochemistry processing program. Additionally, he managed overall research, development, and demonstration programs for plutonium technology at LANL; directed large and complex programs at the AEC and DOE on nuclear materials processing, utilization, safeguards, and waste management; and managed an AEC program to construct and operate nuclear materials processing facilities for an integrated national program on plutonium applications. Consequently, Dr. Leary's unparalleled experience and comprehensive knowledge of nuclear materials processing and handling with the DOE facilities and operations within the Board's oversight authority, makes him a unique source of outside expertise and an invaluable asset to this organization. Further, while the Board has chemical engineers on its staff, Dr.

Leary, with his extensive background and experience, augments the overall level of expertise available to the Board with its efforts in this highly sensitive and critical area of health and safety.

Additionally, the Board believes that a waiver of this potential OCI is proper as the possibilities of a direct conflict, or biased work product from Dr. Leary is remote based on the significant differences between his work for the Board and LANL. Specifically, Dr. Leary's technical efforts for the Board are related to unique problems or issues which exist at various facilities within DOE's nuclear weapons complex. He has provided technical assistance to the Board with its review of Savannah River Site (SRS) F-Canyon, HB-Line, and FB-Line chemical process startup activities and plutonium storage safety issues. Other examples of his work for the Board include an evaluation of the waste characterization program for the Hanford Waste Tanks, plutonium storage matters at Rocky Flats Site (RFS) and Pantex, and alternative decontamination processes at the Idaho Chemical Processing Plant, Idaho National Engineering Laboratory. Conversely, his consulting work at LANL includes the provision of a strategic overview of nuclear materials technology and management issues across a broad scope on an ad hoc basis, and not on specific programs or projects. Further, he has an association with LANL as a member of the Power Systems Subpanel (PSSP) which is a subpanel of the Interagency Nuclear Safety Review Panel. This group, which is comprised of individuals from the Department of Defense, DOE, and National Aeronautics and Space Administration, prepares the final safety evaluations for space flight using spacecraft powered by Radioisotope Thermoelectric Generators which contain significant amounts of plutonium-238. Dr. Leary serves as the nuclear materials expert on this panel which is funded through the Probabilistic Risk and Hazard Analysis Group at LANL. However, as this effort has no connection with the Board's work, and his other work at LANL does not overlap with Board projects, the changes of a OCI are unlikely.

Further, the Board examined Dr. Leary's current financial relationship with LANL, which includes a vested pension program and the consulting work described above, and considered the potential effect it may have on his objectivity in performing the Board's work. Based on this review, the Board determined that these relationships should not interfere with his work for the Board since the pension, and any

future increases, is calculated according to fixed formulas and prior contributions and his consulting work for LANL accounts for approximately twenty percent of his total yearly income. Therefore, as the pension is fixed and not subject to adjustment by LANL, and the value of the other work does not constitute a major portion of his income, the Board believes these should not have a negative impact on Dr. Leary's ability to be objective in his work for the Board.

The Board has also recognized that it is unlikely that the work being performed by Dr. Leary could be satisfactorily performed by anyone else whose experience and affiliations would not give rise to a potential conflict of interest question. This is due to the unique problems and technical challenges which exist within the weapons complex related to the processing and handling of nuclear materials. Consequently, those most familiar with these operations, and potentially best able to assist the Board, are those that gained this expertise through previous or current employment or consulting relationships with one or more of the DOE weapons facilities within the Board's oversight authority. The pertinent experience of other qualified individuals would therefore likely raise similar questions and concerns.

Finally, as the Board is required under its OCI Regulations, where reasonably possible, to initiate measures which attempt to mitigate an OCI, Dr. Leary and the Board agreed to the following during contract performance. The Board will not task Dr. Leary with any work which would conflict with his efforts at LANL. Dr. Leary has agreed to promptly notify the Board of and changes with his efforts at LANL which would give rise to a direct OCI with his work for the Board. Additionally, the efforts and products of Dr. Leary will be overseen by experienced technical staff of the Board who are able to ensure that all of his resultant work products are impartial and contain full support for any findings and recommendations issued thereunder.

Accordingly, on the basis of the determination described above and pursuant to the applicable provisions of 10 CFR 1706, the Chairman of the Board granted a waiver of any conflicts of interests (and the pertinent provisions of the OCI Regulations) with the Board's contract with Dr. Joseph A. Leary that might arise out of his existing relationship with LANL.

Dated: January 12, 1995.

Kenneth M. Pusateri,

General Manager.

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DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

Intent to Prepare a Draft Supplemental Environmental Impact Statement (DSEIS) for the Proposed Southern Branch 40-foot Navigation Improvements in the Vicinity of Norfolk Harbor, Hampton Roads, Virginia

AGENCY: U.S. Corps of Engineers, Norfolk District, DOD.

ACTION: Notice of Intent.

SUMMARY: The U.S. Army Corps of Engineers, Norfolk District, prepared a feasibility report and final Environmental Impact Statement in 1980 titled "Norfolk Harbor and Channels, Virginia, Deepening and Disposal", which recommended further investigations leading to improvements to the Southern Branch portion of the project.

The recommended improvements consist of increasing the depth of the Southern Branch of the Elizabeth River between Norfolk and Western Railway Bridge at Mile 15 and U.S. Routes 460 and 13 highway crossing at Mile 17.5 from 35 feet to 40 feet over its existing 250- to 500-foot width and providing a new 800-foot turning basin at the terminus of the channel improvement.

ADDRESSES: U.S. Army Corps of Engineers, Norfolk District, 803 Front Street, Norfolk, Virginia 23510.

FOR FURTHER INFORMATION CONTACT: Comments and questions concerning the proposed action should be addressed to Mr. Richard Klein (804) 441-7125; questions regarding the DSEIS should be addressed to Mr. Terrence Getchell (804) 441-7617.

SUPPLEMENTARY INFORMATION:

1. The DEIS will be prepared in connection with a General Design Memorandum that will document the engineering and design investigations required to complete pans and specifications and actual construction. Authority for the work is provided by Section 201(a) of Public Law 99-662, enacted 17 November 1986. The feasibility report, published as House Document No. 99-85 dated 18 July 1985, recommended the improvements that are the subject of the DSEIS.