

Dated: April 6, 2005.

**Angela C. Arrington,**

*Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.*

#### **Institute of Education Sciences**

*Type of Review:* Revision.

*Title:* National Assessment of Educational Progress, Year 2006 Assessment, Mathematics.

*Frequency:* One time.

*Affected Public:* State, local, or tribal gov't, SEAs or LEAs; not-for-profit institutions.

*Reporting and Recordkeeping Hour Burden:* Responses: 12,026, Burden Hours: 3,019.

*Abstract:* The components of this clearance package are for the 2006 National Assessment of Educational Progress. Specifically they are a mathematics precalibration for the forthcoming assessment activities.

Requests for copies of the submission for OMB review; comment request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 2733. 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., Potomac Center, 9th Floor, Washington, DC 20202-4700. Requests may also be electronically mailed to the Internet address [OCIO\\_RIMG@ed.gov](mailto:OCIO_RIMG@ed.gov) or faxed to 202-245-6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at her e-mail address [Kathy.Axt@ed.gov](mailto:Kathy.Axt@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.

[FR Doc. 05-7202 Filed 4-8-05; 8:45 am]

**BILLING CODE 4000-01-P**

---

#### **DEPARTMENT OF ENERGY**

##### **DOE Response to Recommendation 2004-2 of the Defense Nuclear Facilities Safety Board, Active Confinement Systems**

**AGENCY:** Department of Energy.

**ACTION:** Notice.

**SUMMARY:** The Defense Nuclear Facilities Safety Board Recommendation

2004-2, concerning active confinement systems was published in the **Federal Register** on December 15, 2004 (69 FR 75047). In accordance with section 315(b) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2286d(b), the Secretary transmitted the following response to the Defense Nuclear Facilities Safety Board on March 18, 2005.

**DATES:** Comments, data, views, or arguments concerning the Secretary's response are due on or before May 13, 2005.

**ADDRESSES:** Send comments, data, views, or arguments concerning the Secretary's response to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard L. Black, Director, Office of Nuclear and Facility Safety Policy, Department of Energy, 270 Corporate Square Building, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585-0270.

Issued in Washington, DC on April 5, 2005.

**Mark B. Whitaker, Jr.,**

*Departmental Representative to the Defense Nuclear Facilities Safety Board.*

**BILLING CODE 6450-01-P**



**The Secretary of Energy**  
Washington, DC 20585

March 18, 2005

The Honorable John T. Conway  
Chairman  
Defense Nuclear Facilities Safety Board  
625 Indiana Avenue, NW, Suite 700  
Washington, D.C. 20004

Dear Mr. Chairman:

The Department of Energy (Department or DOE) acknowledges receipt of the Defense Nuclear Facilities Safety Board's Recommendation 2004-2, *Active Confinement Systems*, issued on December 7, 2004. We appreciate the Board's background material contained in the enclosed technical report, DNFSB/TECH-34, *Confinement of Radioactive Materials at Defense Nuclear Facilities*, and the opportunity to discuss the confinement issues and the technical underpinnings of the recommendation and TECH-34 with your staff on several occasions. The Department has completed its assessment of the Board's recommendation and plans to implement it as described below.

The Department agrees with the Board that DOE cannot rely solely on passive building confinement when such reliance cannot be justified. The Department agrees that active building ventilation confinement systems can provide added safety benefit and are normally the preferred alternative when a building confinement safety function is needed to provide adequate protection to the public or collocated workers. We also recognize the limitations of computational models and assumptions used for determining leak path factors when evaluating the building confinement performance. We concur with the Board's observation that "certain Hazard Category 2 and 3 defense nuclear facilities may not benefit significantly from an active confinement ventilation system" due to such factors as intrinsically safe form or containerization of the nuclear hazards, declining nuclear material inventories, and planned decommissioning in the near future.

We accept the recommendation based on the understanding that it can be implemented as follows: DOE will proceed to review all Hazard Category 2 and 3 defense nuclear facilities. The review criteria will be based in large part on the Department's existing regulatory infrastructure, requirements and methodologies established in 10 CFR Part 830, DOE Order 420.1A, DOE-STD-3009, and related guidance documents. First, we will establish criteria to exclude certain facilities and operations from further review based on sound safety considerations. Facilities not excluded by these criteria will then be reviewed to ensure that the selected confinement strategy is properly justified and documented. Priority would be given to design and construction projects, including ongoing major modifications of existing facilities.

We understand the recommendation is based on a fundamental premise that a more prescriptive safety requirement is likely needed to institutionalize the application of these principles at defense nuclear facilities. Accordingly, after all facility-specific reviews have been concluded and changes to the safety approach have been made where necessary, the need for changes in DOE's directives and guidance will be assessed.

I have asked Richard Black, Director, Office of Nuclear and Facility Safety Policy, to lead the response team that will develop the Department's 2004-2 Implementation Plan. He can be contacted at 301-903-0104.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel W. Bodman". The signature is fluid and cursive, with the first name "Samuel" and last name "Bodman" being more legible than the middle initial "W".

Samuel W. Bodman