[Docket No. 50–72]

Enviromental Assessment and Finding of No Significant Impact Regarding Issuance of a Specific Exemption to the Requirements of 10 CFR 50.82(b)(6)(ii) University of Utah AGN–201 Research Reactor

The U.S. Nuclear Regulatory Commission (NRC) is considering granting, upon its own initiative, a specific exemption in accordance with 10 CFR 50.12 to the part of the requirements of 10 CFR 50.82(b)(6)(ii) that requires a terminal radiation survey and associated documentation to demonstrate that the site is suitable for release as a condition of license termination for Amended Facility Operating License No. R–25 for the University of Utah (the licensee) AGN–201 Research Reactor (AGN–201) located on the licensee's campus in Salt Lake City, Utah.

Environmental Assessment

Identification of Proposed Action

By application dated July 17, 1990, as supplemented on July 18, 1990, and June 12, 1991, the licensee requested authorization to dismantle the AGN–201, dispose of its component parts in accordance with the proposed decommissioning plan, and terminate Amended Facility Operating License No. R–25. Following an ''Order Authorizing Dismantling of Facility and Disposition of Component Parts,'' dated August 1, 1991, (56 FR 37733), the licensee completed the dismantlement and submitted a final survey report dated April 13, 1994, as supplemented on March 17 and 22, 1995, and February 6, 1996. Representatives of the Oak Ridge Institute for Science and Education (ORISE), under contract to NRC, conducted a survey of the reactor on April 9, 1996. The survey is documented in an ORISE report, ''Radiological Survey of the University of Utah AGN–201M Research Reactor, Salt Lake City, Utah,'' dated June 1996. In a memorandum dated July 15, 1996, NRC Region IV found that the ORISE report findings support the data developed in the licensee's final survey report.

Because the AGN–201 is in the same room as the TRIGA Research Reactor (Docket No. 50–407, Facility Operating License No. R–126) that the University continues to operate, the Reactor Room of the Merrill Engineering Building will continue to be subject to the terms of the TRIGA license. The Reactor Room will be considered for release by NRC as part of the request to terminate the TRIGA license at some time in the future. Because the site will continue to be used under a NRC license and will be surveyed in the future, and because application of the regulation is not necessary to achieve the underlying purpose of the rule, the NRC is considering granting, upon its own initiative, a specific exemption in accordance with 10 CFR 50.12 to the part of the requirements of 10 CFR 50.82(b)(6)(ii) that requires a terminal radiation survey and associated documentation to demonstrate that the site is suitable for release as a condition for license termination.

The Need for Proposed Action

The exemption is needed for termination of Amended Facility Operating License No. R–25.

Environmental Impact of Granting of Exemption

The licensee indicates that the residual contamination and dose exposures comply with the criteria of Regulatory Guide 1.86, Table 1, which establish acceptable residual surface contamination levels, and the exposure limit, established by the NRC staff, of less than 5 micro rem/hr above background at 1 meter. These measurements have been verified by the NRC staff. The NRC finds that since these criteria have been met, there is no significant impact on the environment and the reactor components can be released for unrestricted use and the license terminated. Because the site will continue to be used under an NRC license, granting the exemption will have no effect on the status of the site and, thus, no significant impact on the environment.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denying the proposed action. Not granting the exemption would result in no change in current environmental impacts and would require continuance of the Amended Facility Operating License No. R–25. The environmental impacts of the proposed action and of the alternative action are similar. Since the contaminated and activated reactor and component parts already have been dismantled and disposed of in accordance with NRC regulations and guidelines, there is no alternative with less environmental impact than the granting of the exemption and termination of Amended Facility Operating License No. R–25.

Agencies and Persons Consulted

The staff consulted with personnel from ORISE (an NRC contractor), who conducted the confirmatory survey for the AGN–201. The staff also consulted with the Utah State official regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

The NRC has determined not to prepare an environmental impact statement for the proposed action. On the basis of the foregoing environmental assessment, the NRC has concluded that the granting of the exemption will have no significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the application for termination of Amended Facility Operating License No. R–25, dated July 17, 1990, as supplemented. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC. 20037.

Dated at Rockville, Maryland, this 6th day of March 1997.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors and Decommissioning Project Directorate Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 97–6347 Filed 3–12–97; 8:45 am]

BILLING CODE 7590–01–P

Notice of Availability of Memorandum of Understanding Between the Nuclear Regulatory Commission and the Department of Energy Concerning Agency Cooperation on Projects and Activities

SUMMARY: On January 15, 1997, the Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE) signed a Memorandum of Understanding (MOU) to provide a basis for agency cooperation on significant projects and activities. The MOU establishes cooperative long-range planning, and encourages the development of specific MOUs to support NRC involvement when a joint effort on a project or activity is desirable.

FOR FURTHER INFORMATION CONTACT: Amy L. Bryce, Special Projects Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 415–5848.

SUPPLEMENTARY INFORMATION:

Memorandum of Understanding Between the Department of Energy and the Nuclear Regulatory Commission

Cooperation in Support of Significant Projects and Activities

I. Introduction

The Department of Energy (DOE) and the Nuclear Regulatory Commission (NRC) in recognition of a mutual commitment to protect public health and safety, common defense and security, and the environment have developed this Memorandum of Understanding (MOU) to establish a framework for carrying out significant projects and activities where joint cooperation between DOE and NRC is desirable.

II. Authority

The Atomic Energy Act of 1954, as amended, including but not limited to Sections 31, 33, 91, and 161(I); the Energy Reorganization Act of 1974, including Sections 104, and Section 301(a) of the Department of Energy Organization Act of 1977 authorize DOE to engage in various activities involving nuclear materials and facilities. Sections 53, 57, 62, 63, 81, 103, 104, and 161(b), of the Atomic Energy Act of 1954, as amended, and Section 201(f) of the Energy Reorganization Act of 1974 authorize NRC to license and establish by rule, regulation, or order, standards, and instructions to govern the possession and use of special nuclear material, source material, or byproduct material and the construction and operation of certain facilities to protect health or to minimize danger to life or property, or to promote the common defense and security. This agreement is designed to supplement the February 24, 1978 DOE/NRC MOU. The DOE/NRC MOU of February 24, 1978, establishes an overall management policy regarding interagency relationships in the conduct of research programs and related areas and includes within its scope those guidelines governing DOE work performed by NRC.

III. Purpose

The purpose of this MOU is to provide the basis for DOE and NRC to cooperate on significant projects and activities of mutual interest.

This MOU does not address DOE/NRC interaction with respect to those DOE facilities which by statute are required to be licensed or otherwise regulated by NRC under the Energy Reorganization Act of 1974, the Nuclear Waste Policy Act or other applicable law, or with respect to material and facilities within the responsibility of the DOE Office of Naval Reactors.

IV. Agreements Between Parties

A. General

1. DOE and NRC will cooperate in the timely and orderly completion of projects and activities undertaken pursuant to this MOU with due regard for public health and safety, protection of the environment, and common defense and security. Essential to complying with the spirit of this MOU is maintaining a relationship between the agencies marked by open and candid communications at all levels.

2. Toward these goals, DOE and NRC will explore together the development of specific MOUs to support NRC involvement in projects and activities in areas where joint cooperation is desirable, such as the efforts covered by the DOE/NRC MOU on tritium production dated May 22, 1996.

B. Planning

1. DOE and NRC will cooperate in long-range planning to ensure that both agencies are cognizant of the funding, resource, and timing requirements for these special projects and activities. Consultations and information exchanges between the DOE and NRC on long-range planning activities, operating experience or research results, briefings of advisory committees, and other normal functions are generally not subject to reimbursement.

2. DOE and NRC will inform each other and the Office of Management and Budget of activities that will require significant participation of both. Specific activities related to public health and safety, protection of the environment, and common defense and security for which DOE requests NRC involvement will require significant advance notification to allow NRC to seek appropriate resources in NRC's budget requests. DOE will provide NRC the necessary information required to support such budget requests. NRC generally will not participate in projects and activities pertaining to DOE's responsibilities unless Congress appropriates resources to NRC for such activities. Exceptions will be considered by NRC on a case-by-case basis and only if DOE reimburses NRC for its full agency cost.

3. This MOU shall not be used to obligate or commit funds or be used as the basis for the transfer of funds.

C. Interagency Interfaces

1. Matters of policy coordination, interpretation of established policy and implementation oversight are the responsibility of the Under Secretary for DOE and the Executive Director for Operations of the NRC. Functional responsibilities shall be assigned by each agency as necessary to fulfill the provisions of this MOU and any specific MOUs entered into by DOE and NRC. The DOE Assistant Secretary for Environment, Safety and Health and the Executive Director for Operations of the NRC will be the initial points of contact for communication relating to carrying out the provisions of this MOU.

2. The day-to-day activities performed in accordance with this MOU are the responsibility of the designated DOE representative, in coordination with the designated NRC representative. Every attempt shall be made to address topics and issues at the project level. If they cannot be resolved at the project level, they will be raised through each agency's management chain, as necessary and appropriate.

D. Information Management and Independent Technical Oversight

1. Each agency recognizes that it is responsible for the identification, protection, control, and accounting of information used or otherwise furnished in connection with this MOU in accordance with its established procedures. This information consists of classified, proprietary, and procurement-sensitive information; Safeguards Information; and Unclassified Controlled Nuclear Information (UCNI) as described by Section 148 of the Atomic Energy Act of 1954, as amended.

2. NRC agrees to use available DOE information and reports and to comply with DOE administrative requirements for handling such information. DOE will provide NRC such additional information as NRC may require to identify issues related to public health and safety, protection of the environment, and common defense and security which may be necessitated by the project or activity. NRC will determine whether to establish a public docket for particular joint projects on a case-by-case basis.

3. DOE and NRC recognize the importance of providing timely and accurate information to the public regarding projects, activities, and regulatory decisions that may affect public health and safety, and protection of the environment. Meetings between DOE and NRC staff in connection with project activities that pertain to specific regulatory decisions or actions shall be governed by NRC's policy on open meetings (59 FR 48340, September 20, 1994).

4. Committees, such as the Advisory Committee on Reactor Safeguards and

the Advisory Committee on Nuclear Waste for NRC and the Defense Nuclear Facilities Safety Board for DOE, provide independent technical advice concerning facilities, safety studies, and related matters. As appropriate, DOE and NRC agree to support these types of independent reviews by providing readily available information or designating representatives to attend briefings related to their respective areas of responsibilities.

V. Other Provisions

1. Nothing in this MOU shall limit the rights or ability of either agency to exercise its authority independently with regard to matters that are the subject of this MOU.

2. Nothing in this MOU shall be deemed to establish any right nor provide a basis for any action, either legal or equitable, by any person or class of persons challenging a government action or a failure to act.

3. This MOU is not entered into for purposes of addressing issues related to possible changes in the scope of either party's authority to regulate nuclear materials and facilities.

4. This MOU may be further implemented by supplementary agreements in which authorized representatives of DOE and NRC may amplify or modify the policy or provisions in this MOU or any of its supplements, provided that any material modifications of the provisions or any of its supplements shall be subject to the approval of the authorized signatories of this MOU or their designated representatives.

5. This MOU shall be effective upon signature of the Secretary of Energy and the Chairman of the NRC and will remain in effect until terminated by mutual agreement or by the written notice of either party submitted six months in advance of termination. Amendments or modifications to this MOU may be made upon the written agreement of the parties.

6. In developing specific MOUs for particular projects and activities, the parties shall consider what provisions should be made for the handling of whistleblower issues or other citizen complaints.

Hazel R. O'Leary,

Secretary, U.S. Department of Energy.

Shirley A. Jackson,

Chairman, U.S. Nuclear Regulatory Commission.

This Memorandum of Understanding was signed by the Chairman of the Nuclear Regulatory Commission and the Secretary of Energy on January 15, 1997.

Dated at Rockville, Maryland, this 5 day of March 1997.

For the Nuclear Regulatory Commission.

Robert C. Pierson,

Chief, Special Projects Branch, Division of Fuel Cycle Safety and Safeguards, NMSS.

[FR Doc. 97–6345 Filed 3–12–97; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 70–7001 and 70–7002]

Notice of Transition of Regulatory Authority Over the U.S. Enrichment Corporation Gaseous Diffusion Plants

The U.S. Nuclear Regulatory Commission assumed regulatory jurisdiction, from the U.S. Department of Energy (DOE), over the United States Enrichment Corporation (USEC) gaseous diffusion plants (GDPs) located in Paducah, Kentucky, and Piketon, Ohio, at 12:01 a.m. on March 3, 1997.

The President signed H.R. 776, the Energy Policy Act of 1992 (the Act), into law on October 24, 1992. The Act amended the Atomic Energy Act of 1954, to establish a new government corporation, USEC, for the purpose of operating the uranium enrichment enterprise owned and previously operated by DOE. The Act provided that NRC would promulgate standards that apply to USEC's operation of its GDPs, to protect public health and safety from radiological hazards, and to provide for the common defense and security. The Act directed NRC to establish and implement a certification process under which NRC would certify the GDPs for compliance with these standards. DOE agreed to retain nuclear safety, safeguards, and security oversight of the GDPs until NRC finished its certification process.

On September 16, 1996, the Director, Office of Nuclear Material Safety and Safeguards (Director) signed the initial certification decision. Notice of this decision appeared in the Federal Register (61 FR 49360) on September 19, 1996. The Director signed the final Certificates of Compliance for the GDPs on November 26, 1996. The Certificates of Compliance provided for a transition period before NRC's assuming regulatory authority, to allow USEC to complete necessary procedure revision and training on the NRC-approved application. DOE continued regulatory oversight during this transition period. The transition period ended at midnight on March 2, 1997. NRC assumed regulatory oversight at the GDPs at 12:01 a.m. (local time) on March 3, 1997.

NRC has not assumed regulatory jurisdiction over the entire Paducah and Portsmouth reservations. DOE retains regulatory jurisdiction over those portions of both sites that have activities unrelated to the enrichment process and that are not leased by USEC. Examples of activities for which DOE retains responsibility are environmental restoration activities, cylinder storage yards that contain depleted UF_6 generated before July 1993, and activities related to highly enriched uranium.

All correspondence related to the GDPs, except for proprietary and classified information, is available for public inspection and copying at the Commission Public Document Room, 2120 L Street, NW., Washington, DC 20555 it is also available at the Local Public Document Rooms, under Docket No. 70–7001, at the Paducah Public Library, 555 Washington Street, Paducah, Kentucky 42003; and under Docket No. 70–7002, at the Portsmouth Public Library, 1220 Gallia Street, Portsmouth, Ohio 45662.

Dated at Rockville, Maryland, this 3rd day of March 1997.

For the Nuclear Regulatory Commission.

Carl J. Paperiello,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 97–6346 Filed 3–12–97; 8:45 am]

BILLING CODE 7590–01–P

POSTAL RATE COMMISSION

[Order No. 1162; Docket No. A97–14]

Spottswood, Virginia 24475 (Regina Kesterson, Petitioner); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued March 10, 1997.

Before Commissioners: Edward J. Gleiman, Chairman; H. Edward Quick, Jr., Vice-Chairman; George W. Haley; W.H. ''Trey'' LeBlanc III.

Docket Number: A97–14.

Name of Affected Post Office: Spottswood, Virginia 24475.

Name(s) of Petitioner(s): Regina Kesterson.

Type of Determination: Closing.

Date of filing of Appeal Papers: March 3, 1997.

Categories of issues apparently raised:

1. Effect on the community (39 U.S.C. 404(b)(2)(A)).
2. Effect on postal services (39 U.S.C. 404(b)(2)(C)).

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the