action. At a commercial nuclear power plant, the inadvertent criticality with which 10 CFR 70.24 is concerned could occur during fuel handling operations. The special nuclear material that could be assembled into a critical mass at a commercial nuclear power plant is in the form of nuclear fuel; the quantity of other forms of special nuclear material that is stored onsite in any given location is small enough to preclude achieving a critical mass. Because the fuel is not enriched beyond 5.0 weight percent uranium-235, and because commercial nuclear plant licensees have procedures and design features that prevent inadvertent criticality, the staff has determined that it is unlikely that an inadvertent criticality could occur due to the handling of special nuclear material at a commercial power reactor. Therefore, the requirements of 10 CFR 70.24 are not necessary to ensure the safety of personnel during the handling of special nuclear materials at commercial power reactors.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that inadvertent or accidental criticality will be precluded through compliance with the Davis-Besse Technical Specifications, the design of the fuel storage racks providing geometric spacing of fuel assemblies in their storage locations, and administrative controls imposed on fuel handling procedures.

The proposed exemption would not result in an increase in the probability or consequences of accidents, affect radiological plant effluents, or cause any significant occupational exposures. Therefore, there are no radiological impacts associated with the proposed exemption.

The proposed exemption does not result in a change in nonradiological effluents and will have no other nonradiological environmental impact.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded that there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed exemption, the staff considered denial of the requested exemption. Denial of the request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement related to the operation of Davis-Besse dated October 1975.

Agencies and Persons Consulted

In accordance with its stated policy, on July 30, 1997, the staff consulted with the Ohio State official, Carol O'Claire, of the Ohio Emergency Management Agency, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensees' letters dated January 30, May 28, and October 3, 1997, which are available for public inspection at the Commission's Public Document Room located at the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the University of Toledo, William Carlson Library, Government Documents Collection, 2801 West Bancroft Avenue, Toledo, OH 43606.

Dated at Rockville, Maryland, this 30th day of October 1997.

For the Nuclear Regulatory Commission.

Gail H. Marcus,

Director, Project Directorate III–3, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 97–29243 Filed 11–4–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 96th meeting on November 20–22, 1997, in Room T–2B3, at 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

Thursday, November 20, 1997—8:30 a.m. until 6 p.m.

Friday, November 21, 1997—8:30 a.m. until 6 p.m.

Saturday, November 22, 1997—8:30 a.m. until 4 p.m.

A. *Meeting with NRC's Director, Division of Waste Management, Office of Nuclear Material Safety and Safeguards*—The Committee will meet with the Director to discuss developments at the Yucca Mountain project, resources, rules under development, and other items of mutual interest.

B. *Waste Classification at West Valley, Hanford and Savannah River*—The NRC staff will brief the Committee on its evaluation of the DOE methodology for classification of waste resulting from treatment, bulk high-level waste removal and cleaning of tanks. Background and history will be discussed along with current status, review schedules and criteria for the classification of wastes as incidental.

C. *Standard Review Plan on Dry Cask Storage Facility*—The Committee will review and provide comments on this Standard Review Plan.

D. *HLW Issue Resolution Status Reports and Acceptance Criteria*—The NRC staff will update the Committee on the progress of staff reviews related to the high-level waste key technical issues. (Tentative)

E. *NRC's Division of Waste Management Priorities*—The Committee will review the Division of Waste Management's priorities and planned interactions with the ACNW for the coming year.

F. *Prepare for Next Meeting with the Commission*—The Committee will prepare for its next formal meeting with the Commission. The Committee is scheduled to discuss items of mutual interest with the Commission on December 17, 1997.

G. *Preparation of ACNW Reports*—The Committee will discuss planned reports, including comments on the Standard Review Plan for Spent Fuel Dry Storage Facilities, comments on NRC Waste Related Research, ACNW Priorities, and other topics discussed during the meeting as the need arises.

H. *Committee Activities/Future Agenda*—The Committee will consider topics proposed for future consideration by the full Committee and Working Groups. The Committee will discuss ACNW-related activities of individual members.

I. *Miscellaneous*—The Committee will discuss miscellaneous matters related to the conduct of Committee activities and organizational activities and complete

discussion of matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on September 2, 1997 (62 FR 46382). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the Chief, Nuclear Waste Branch, Mr. Richard K. Major, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Chief, Nuclear Waste Branch, prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Major as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Richard K. Major, Chief, Nuclear Waste Branch (telephone 301/415–7366), between 8:00 A.M. and 5:00 P.M. EST.

ACNW meeting notices, meeting transcripts, and letter reports are now available on FedWorld from the ''NRC MAIN MENU.'' Direct Dial Access number to FedWorld is (800) 303–9672; the local direct dial number is 703–321–3339.

Dated: October 30, 1997.

John C. Hoyle,

Acting, Advisory Committee Management Officer.

[FR Doc. 97–29241 Filed 11–4–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 70–7001; 70–7002]

Memorandum of Understanding Between the Nuclear Regulatory Commission and the Department of Energy on Cooperation Regarding the Gaseous Diffusion Plants

AGENCIES: Nuclear Regulatory Commission and Department of Energy.

ACTION: Memorandum of Understanding between the Nuclear Regulatory Commission and the Department of Energy.

SUMMARY: The Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE) have entered into a Memorandum of Understanding (MOU) on cooperation regarding the gaseous diffusion plants. The MOU is intended to describe the various responsibilities with respect to continued cooperation between NRC and DOE, and to set forth a framework for coordination of issues now that NRC has assumed regulatory oversight. The text of the MOU is set forth below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Pierson, telephone 301–415–7192, Office of Nuclear Material Safety and Safeguards, MS T–8A–33, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Rockville, Maryland, this 30th day of October 1997.

For the Nuclear Regulatory Commission.

Elizabeth Q. Ten Eyck,

Director, Division of Fuel Cycle Safety, and Safeguards, NMSS.

Memorandum of Understanding Between the Department of Energy and the Nuclear Regulatory Commission; Cooperation Regarding the Gaseous Diffusion Plants

I. Background

The Atomic Energy Act of 1954 (the Act), as amended by the Energy Policy Act of 1992 (42 U.S.C. 2297 *et seq.*), created the United States Enrichment Corporation (USEC), a government corporation, for the purpose of managing and operating the uranium enrichment enterprise owned and previously operated by the Department of Energy (DOE). USEC leased those portions of the plants related to gaseous diffusion plant (GDP) operations from DOE. Certain portions of the plants, such as waste storage areas and burial grounds, are not leased by USEC and remain under DOE's jurisdiction. The Act also required that the Nuclear Regulatory Commission (NRC) establish standards for regulation of the GDPs located in Paducah, Kentucky, and Piketon, Ohio, in order to protect the worker and public health and safety and to provide for the common defense and security. NRC published its final standards, 10 CFR part 76, ''Certification of Gaseous Diffusion Plants,'' on September 23, 1994 (59 FR 48944). The Act also directed NRC to establish and implement an annual [1] certification process by which the gaseous diffusion plants would be certified by NRC for compliance with these standards. For areas where plant operations are not yet in compliance, the Act provided that DOE will prepare compliance plans. Based upon a review of the certification applications and the DOE-prepared compliance plans submitted by USEC, on September 16, 1996, a Notice of Certification Decision for the USEC to operate the GDPs and a Finding of No Significant Impact (the notice) was issued by NRC, 61 FR 49360 (September 19, 1996). After disposition of public comments received in response to NRC's Notice of Certification Decision, NRC issued a Certificate of Compliance and a compliance plan approval for each plant on November 26, 1996. The Certificates of Compliance became effective and NRC assumed regulatory oversight of the GDPs on March 3, 1997.

This Memorandum of Understanding (MOU) is designed to supplement the ''Agreement Defining Security Responsibilities at the Paducah and Portsmouth Gaseous Diffusion Plants Between the Department of Energy's Office of Safeguards and Security and the Nuclear Regulatory Commission's Division of Security,'' dated March 10, 1995, and replace the ''Agreement Establishing Guidance for NRC Inspection Activities at the Paducah and Portsmouth Gaseous Diffusion Plants between Department of Energy Regulatory Oversight Manager and Nuclear Regulatory Commission,'' dated August 11, 1994.

II. Authority and Scope

Pursuant to the Atomic Energy Act of 1954, as amended, including in particular the provisions of the Energy Policy Act of 1992 on regulation and certification as generally described above, NRC and DOE are issuing this MOU to describe the various responsibilities with respect to continued cooperation between NRC and DOE, and to set forth a framework for coordination of issues now that NRC has assumed regulatory oversight.

A. NRC assumed regulatory oversight for nuclear safety, safeguards, and security at the leased portions of the GDPs on March 3, 1997, with the exception of the Highly Enriched Uranium (HEU) Refeed activity in Buildings X–326 and X–705 at the Portsmouth Gaseous Diffusion Plant.

B. The Regulatory Oversight Agreement (ROA), Exhibit D to the Lease Agreement between DOE and USEC, sets forth the requirements and safety basis for the operation of DOE activities in the leased areas of the GDPs. The activities governed by the ROA consist of HEU Refeed activity in Buildings X–326 and X–705 at the Portsmouth Gaseous Diffusion Plant. Nothing

[1] The USEC Privatization Act, Pub. L. 104–134, amends 1701(c)(2) of the Atomic Energy Act, by replacing the requirement for an annual application for a certificate of compliance with a requirement for an application to be filed ''periodically, as determined by the Commission, but not less than every five years.''