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.''

in this MOU is intended to restrict or expand the authority of DOE or to affect or otherwise alter the terms of the ROA until by its terms it ceases to apply to facilities or activities for which NRC assumes regulatory oversight.

C. NRC certification of the GDPs is in part conditioned upon USEC adherence to a Compliance Plan prepared and approved by DOE for each GDP in accordance with the Atomic Energy Act of 1954, as amended, and 10 CFR Part 76. Modification(s) to the Compliance Plan requires DOE approval prior to submittal to NRC for final approval.

D. NRC re-certification of the GDPs is in part conditioned upon USEC compliance with all terms and conditions of the NRC certificate of compliance.

E. Nothing in this MOU is intended to restrict or otherwise limit the authority of NRC to exercise its full regulatory authority, including both inspection and enforcement authority.

III. Interfaces Between DOE and NRC

A. Exchange of Information and Technical Staff Support

1. DOE and NRC agree to make available to each other information and technical support concerning matters of common interest.[2] DOE and NRC agree to meet, as necessary, at mutually agreeable times and locations to exchange information on matters of common interest.

2. DOE agrees to notify NRC of the following:

a. Substantial proposed changes to the GDP site involving matters of common interest.

b. Substantial proposed changes to the Lease Agreement between the Department of Energy and the United States Enrichment Corporation, dated July 1, 1993.

c. Substantial proposed changes to the DOE Regulatory Oversight Agreement between DOE and USEC.

d. Substantial proposed changes to ''USEC AND DOE Resolution of Shared Site Issues at the Gaseous Diffusion Plants,'' dated January 24, 1996.

e. Substantial proposed changes to the HEU Refeed Program.

3. NRC agrees to notify DOE of the following:

a. Substantial proposed changes in USEC's operations potentially impacting safety, safeguards and/or security on site.

b. Substantial changes to the conditions or terms of the NRC certificate of compliance issued to USEC.

c. Substantial changes to USEC's compliance with the conditions or terms of the certificate of compliance issued to USEC.

4. NRC will consult with DOE on health, safety and environmental issues at the GDPs when preparing the required annual report to Congress on the GDPs.

5. NRC and DOE will share all audit, assessment, and inspection reports on shared systems or areas.

6. DOE and NRC will coordinate with each other for proposed enforcement actions involving those shared systems or areas in Buildings X–326 and X–705 at the Portsmouth GDP where there is HEU activity. USEC is responsible for all system components required for USEC LEU/GDP operability. These components are subject to NRC inspection and enforcement, although they may be physically located in DOE controlled space.

7. 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, Safeguards Information (SGI) and Unclassified Controlled Nuclear Information (UCNI).

B. Emergency Response

1. In accordance with the Federal Radiological Emergency Response Plan (FRERP), the NRC is the Lead Federal Agency (LFA) for an emergency involving DOE-owned GDPs operating under NRC regulatory oversight. If the origin of the emergency is determined to be in the DOE portion of the plant, then the LFA would be transferred to DOE. DOE and NRC will develop appropriate joint procedures which will ensure compatibility in response to emergencies in leased areas under NRC regulatory oversight.

2. The emergency planning requirements for GDPs, including offsite notifications and emergency classification levels and their corresponding emergency action levels, will be in accordance with the site emergency plans and procedures which will be coordinated among shared site regulators and tenants before and during implementation.

C. Referrals

1. DOE will not conduct inspections of nuclear safety, safeguards, and security in leased areas, except where there is shared safety, safeguards, or security features in USEC leased space, or as related to the HEU Refeed Program and DOE nuclear material and activities in USEC leased space. However, DOE personnel may, during the course of performing DOE activities, identify nuclear safety, safeguards or security concerns within the area of NRC responsibility. In such instances these and any other nuclear safety, safeguards or security concerns within NRC's purview identified by DOE will be referred to the NRC Resident Inspector for appropriate action. If DOE identifies situations with immediate safety, safeguards, or security significance, it will immediately communicate this information to USEC and the NRC Resident Inspector.

2. Similarly, although NRC will not conduct nuclear safety, safeguards, and security inspections in non-leased areas, NRC personnel may, during the course of performing NRC activities, identify nuclear safety, safeguards or security concerns within the area of DOE responsibility. NRC will refer these concerns to the DOE Site Manager for appropriate disposition. If the NRC identifies situations with immediate safety, safeguards, or security significance, it will immediately communicate this information to USEC and the DOE Site Manager.

3. Each agency will be responsible for processing, under its established program(s), allegations—declarations, statements or assertions of impropriety or inadequacy whose validity has not been established—and employee complaints or concerns of regulatory significance. Each agency will keep the other agency informed, as appropriate, of the existence, status and resolution of such allegations, complaints, or concerns. Each agency will assure that each allegation, complaint, or concern is promptly referred to the agency or entity that has jurisdiction over the allegation, complaint, or concern.

D. Coordinations

1. DOE will coordinate with USEC to inform NRC of reportable events, under DOE's occurrence reporting system, for which DOE is responsible.

2. DOE and NRC shall consult with each other before disclosure of information related to this MOU to preclude dissemination of information which may be exempt from disclosure under the Freedom of Information Act. It is NRC's practice to place all docket related DOE correspondence that is not classified or proprietary in the Public Document Room, unless DOE specifically requests, with appropriate justification, that the information be withheld.

3. On occasion, DOE may need to move its nuclear materials not in process through USEC areas to another location. NRC will not require DOE to fill out Forms 741 and/or 742 if the nuclear materials not in process only pass through USEC areas, i.e., not normally involving more than one shift, and remaining under DOE's continuous custody.

IV. Points of Contact

A. The principal senior management contacts for this MOU will be the DOE Assistant Manager for Enrichment Facilities, Oak Ridge Operations Office, and the Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, NRC. These individuals may designate appropriate staff representatives for the purpose of administering this MOU.

B. Identification of these contacts is not intended to restrict communication between DOE and NRC staff members on technical and other day-to-day activities.

V. Resolution of Disputes

A. If disagreements or conflicts about matters within the scope of this MOU arise, DOE and NRC will work together to resolve these differences.

B. Resolution of differences between DOE and NRC staff will be the initial responsibility of the DOE Site Manager, Portsmouth Site Office, or the DOE Site Manager, Paducah Site Office, and the Chief of the responsible Branch within the Office of Nuclear Material Safety and Safeguards, NRC.

C. If the issue can not be resolved at the staff level, the NRC and DOE agree to refer the matter within 30 days to the Assistant

[2] Matters of common interest concern modifications to GDP site areas, railways, roadways, structures, systems, components, hazards, activities, tenant mix, population, etc., which can impact safety, safeguards or security risks (likelihood or consequence) under DOE or NRC jurisdiction during normal, off-normal or emergency conditions. The tenant mix includes multiple organizations other than DOE and USEC with GDP site space leased from DOE. These organizations are not staffed with GDP workers, i.e. National Guard, Defense Logistic Agency, etc.

Manager for Enrichment Facilities, Oak Ridge Operations Office, DOE, and the Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, NRC.

VI. Effective Date and Modification

This MOU shall become effective upon signing by the DOE Assistant Manager for Enrichment Facilities, Oak Ridge Operations, and the Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, NRC, and will be subject to periodic reviews and may be amended or modified upon written agreement by the parties. This MOU may be terminated by mutual agreement or by written notice of either party submitted six months in advance of termination.

VII. Separability

If any provision(s) of this MOU, or the application of any provision(s) to any person or circumstances, is held invalid, the remainder of this MOU and the application of such provision(s) to other persons or circumstances shall not be affected.

For the Nuclear Regulatory Commission.

Dated: October 27, 1997.

Elizabeth Q. Ten Eyck,

Director Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission.

For the Department of Energy.

Dated: October 28, 1997.

Joseph W. Parks,

Assistant Manager for Enrichment Facilities, Oak Ridge Operations Office, Department of Energy.

[FR Doc. 97–29244 Filed 11–4–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from October 10, 1997, through October 24, 1997. The last biweekly notice was published on October 22, 1997 (62 FR 54866).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, MD from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By December 5, 1997, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for