Dated: February 3, 1998.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 98–3300 Filed 2–9–98; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

Recognitiion of Accrediting Agencies, State Agencies for Approval of Public Postsecondary Vocational Education, and State Agencies for Approval of Nurse Education

AGENCY: Department of Education.

ACTION: Request for comments on agencies applying to the Secretary for Renewal of Recognition.

FOR FURTHER INFORMATION CONTACT: Karen W. Kershenstein, Director, Accreditation and Eligibility Determination Division, U.S. Department of Education, 7th and D Streets, S.W., Room 3915 ROB–3, Washington, DC 20202–5244, telephone: (202) 708–7417. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 7 p.m., Eastern time, Monday through Friday.

Submission of Third-Party Comments.

The Secretary of Education recognizes, as reliable authorities as to the quality of education offered by institutions or programs within their scope, accrediting agencies and State approval agencies for public postsecondary vocational education and nurse education that meet certain criteria for recognition. A notice published in the **Federal Register** on December 29, 1997 (Volume 62, page 67632) invited interested third parties to present written comments on agencies scheduled for review at the June 1998 meeting of the National Advisory Committee on Institutional Quality and Integrity (NACIQI). The purpose of this notice is to correct information that was provided in the December 29 notice regarding the names of two agencies that appeared in that notice, to add two other agencies to the list of agencies whose interim reports are to be reviewed at the June meeting, and to delete one agency, the Oklahoma State Board of Vocational and Technical Education, from that list. The correct information is included at the end of this notice. This notice also extends the deadline from February 12, 1998 to March 12, 1998 for interested third parties to present written comments on the two agencies named in this notice that will be filing interim reports. All other provisions of the December 29, 1997 **Federal Register** notice remain in effect.

Petitions for Renewal of Recognition

1. Commission on Opticianry Accreditation (requested scope of recognition: the accreditation of two-year programs for the ophthalmic dispenser and one-year programs for the ophthalmic laboratory technician)

2. Commission on Accreditation of Allied Health Education Programs, Board of Directors (requested scope of recognition: the accreditation and preaccreditation (''Candidate status'') of educational programs for the allied health occupations of cytotechnologist and electroneurodiagnostic technologist)

Interim Reports

1. Southern Association of Colleges and Schools, Commission on Colleges

2. Oklahoma State Regents for Higher Education (Note: this agency was incorrectly listed as the Oklahoma State Board of Vocational and Technical Education in the December 29, 1997 notice.)

Dated: February 5, 1998.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 98–3301 Filed 2–9–98; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement Concerning Reciprocal Arrangements for Exchanges of Information and Visits Under the Agreement for Cooperation for the Peaceful Uses of Nuclear Energy Between the Government of the United States and the Government of the People's Republic of China

AGENCY: Office of Arms Control and Nonproliferation, Department of Energy.

ACTION: Notice.

SUMMARY: Notice is hereby given of the intent of the Government of the United States and the Government of the Peoples Republic of China to establish mutually acceptable reciprocal arrangements for exchanges of information and visits to material, facilities, and components subject to the Agreement for Cooperation Between the Government of the United States and the Government of the People's Republic of China concerning the Peaceful Uses of Nuclear Energy, signed July 23, 1985 (''the Agreement'').

The framework for executing the proposed exchanges is established in a Memorandum of Understanding (MOU) dated June 23, 1987, which has been initialed by the two Governments and is reproduced at the end of this Notice. The Department of Energy will issue a second Notice of Proposed Subsequent Arrangement, which may contain additional pertinent information, after the Memorandum of Understanding is signed by the two Governments.

SUPPLEMENTARY INFORMATION:

Procedural Background

In order to carry out the 1985 U.S.-China Agreement for Cooperation in the Peaceful Uses of Nuclear Energy, the President is required under P.L. 99–183 to make a certification to Congress on three matters and to submit to Congress a detailed report on China's nonproliferation policies and practices. The President must certify that (A) the reciprocal arrangements made pursuant to Article 8 of the Agreement have been designed to be effective in ensuring that any nuclear materials, facilities or components provided under the Agreement shall be utilized solely for intended peaceful purposes as set forth in the Agreement; (B) the Government of the People's Republic of China has provided additional information concerning its nuclear nonproliferation policies and that, based on this and all other information available to the United States Government, the People's Republic of China is not in violation of paragraph (2) of section 129 of the Atomic Energy Act; and (C) the obligation to consider favorably a request to carry out activities described in Article 5 (2) of the Agreement shall not prejudice the decision of the United States to approve or disapprove such a request.

The President made these certifications on January 12, 1998, and forwarded them to the Congress on January 13, 1998.

House Report 99–382 (November 20, 1985), concerning Public Law 99–183, specified that it was the expectation of the House Committee on Foreign Affairs that at the time the President made these certifications, details concerning the reciprocal arrangements under Article 8 of the Agreement would ''be submitted to the Congress for review as a 'subsequent arrangement' under section 131a of the Atomic Energy Act of 1954.'' That section of the Atomic Energy Act mandates, *inter alia*, that subsequent arrangements are to be issued by the Secretary of Energy or his designee, after obtaining the concurrence of the Department of State and after consultation with the Arms

Control and Disarmament Agency, the Nuclear Regulatory Commission, and the Department of Defense. Notice of any proposed subsequent arrangement must be published in the **Federal Register**, together with a determination by the Secretary of Energy that such arrangement will not be inimical to the common defense and security. A proposed subsequent arrangement may not take effect before fifteen days after publication. (The responsibilities of the Secretary of Energy have been delegated to the Director of the Department's Office of Arms Control and Nonproliferation.)

This Notice announces the intent of the United States Government to enter into reciprocal arrangements for exchanges of information and visits under Article 8 of the Agreement, as specified below. It concludes that the reciprocal arrangements, as provided for in the Agreement and, upon its entry into force, in the U.S.-China Memorandum of Understanding of June 23, 1987, are not inimical to the common defense and security.

Proposed Reciprocal Arrangements

The President has certified that the reciprocal arrangements made pursuant to Article 8 of the Agreement have been designed to be effective in ensuring that any nuclear material, facilities, or components provided under the Agreement shall be utilized solely for the intended peaceful purposes as set forth in the Agreement. The arrangements agreed to by the United States and the People's Republic of China are set forth in the MOU initialed by the two Governments on June 23, 1987.

In assessing the arrangements established under Article 8 of the Agreement, it is important to bear in mind the three main factors considered in their negotiation. These are:

- The fact that China is a nuclear weapon state;
- The nature and scope of cooperation contemplated in the Agreement; and
- The range and extent of activities included under the reciprocal arrangements for exchanges of information and visits mutually agreed between the parties.

China's Status as a Nuclear-Weapon State

China is a nuclear weapon state and possesses dedicated facilities to produce fissile material for its nuclear weapons program. There is, therefore, little if any reason for it to contemplate using its civil nuclear program to support a nuclear weapons purpose. Moreover, the potential costs of diverting U.S.-supplied civil nuclear material or facilities would be disproportionately high relative to any benefit that could possibly accrue to China. Without doubt such an action would terminate nuclear cooperation by the United States and more generally would do far-reaching damage to U.S.-Chinese relations.

China's nonproliferation credentials would be severely damaged and its credibility and standing in the international community as a whole would be undermined. There has been no evidence to suggest that China has in any way employed its existing nuclear power stations at Quinshan and Daya Bay to support its nuclear weapons program, even though China has modernized and somewhat expanded its nuclear forces since these facilities began operating in 1993 and 1994, respectively.

The Agreement does not require the application of IAEA safeguards on U.S. nuclear exports to China. Neither the Nuclear Non-Proliferation Treaty (NPT) nor U.S. law requires the application of such safeguards on nuclear transfers between nuclear weapon states. NPT safeguards applied by the IAEA are intended to help prevent nuclear proliferation, that is, the spread of nuclear weapons beyond the five acknowledged nuclear weapon states at the time the Treaty was negotiated, a group that include both the United States and China. NPT safeguards are required only on certain equipment and material exported to non-nuclear weapon states. Nor does U.S. law require the application of bilateral safeguards on U.S. exports to a nuclear weapon state. As in the case of the NPT, this reflects the reduced proliferation concerns that apply to transactions with states that already ''legally'' possess nuclear weapons.

However, the United States as a matter of law requires additional controls and assurances with respect to its nuclear exports. Consequently, the United States requires of all recipients additional bilateral assurances concerning U.S. nuclear transfers. These controls and assurances cover the peaceful use, reprocessing, enrichment, retransfer, physical security, alteration in form or content, and storage of U.S. nuclear exports. These assurances are generally given with reference to specific transactions that are being proposed under Nuclear Regulatory Commission authorization.

Chinese compliance through the Agreement will be confirmed with the reciprocal visits, exchanges, and general information about nuclear fuel cycle activities. In addition, the fact that violation of the Agreement would cause termination of the U.S. nuclear cooperation with China, is a strong deterrent to misuse of U.S. exports.

Scope of Cooperation

The second factor relevant to assessing the reciprocal arrangements under Article 8 of the Agreement relates to the nature and scope of the cooperation contemplated in that document. The Agreement establishes the basis for cooperation on nuclear nonproliferation and on current and advanced light water nuclear power reactor technologies, including, in part, safety, fuels, and materials; nuclear steam supply systems; irradiation technology; and other areas to which the parties may later agree. The Agreement is thus focused on cooperation in which the most likely transfers are related to nuclear power reactors and nuclear fuel. The only special nuclear material that may be transferred in significant quantities under the Agreement is low-enriched uranium, which is not directly usable for nuclear explosives or other military purposes. Reprocessing of spent fuel subject to the Agreement could occur only with prior U.S. consent. Were the United States ever to consider granting such consent, it would give careful consideration to what additional verification arrangements would be required. The Agreement does not contemplate the transfer of sensitive nuclear technology, facilities, or components. Any such transfer would require amendment to the Agreement and, as in the case of reprocessing spent fuel, would be subject to U.S. approval, which would only be given, if at all, subject to satisfactory provisions for verification of use and disposition.

Furthermore, the Nuclear Regulatory Commission must review any specific export of material or equipment subject to its export approval authority. This will provide added assurance that transfers under the Agreement will be carefully scrutinized to ensure the effectiveness of arrangements to verify that they are used for exclusively peaceful purposes.

Activities Under Article 8

The third factor relevant to assessing the reciprocal arrangements under Article 8 is an evaluation of the extent to which these arrangements can achieve the objectives identified for them under the Agreement. In the case of the NPT, IAEA safeguards are applied in non-nuclear weapon states party to the NPT with the objective of deterring the diversion of a significant quantity of nuclear material by achieving a high probability of detection of such

diversion. For this purpose, quantitative material accountancy, accompanied by containment and surveillance measures, are applied. In the case of the U.S.-China Agreement, the objective is to enable the United States to ensure that the materials and facilities transferred from the United States under the Agreement are used exclusively for peaceful purposes in China.

The arrangements mutually agreed by the parties pursuant to Article 8 of the Agreement are based on well accepted and widely applied principles of verification. They are also consistent with the measures applied by the United States to verify bilateral assurances under other agreements for cooperation. The keys to effective verification are information and access—access to all information deemed relevant to the establishment of a complete inventory of items subject to verification; the ability to secure any additional necessary information; the right to obtain such additional information on site to ensure that the inventory of items is complete; and the right periodically to visit the locations of such material and equipment to ascertain not only the accuracy of the inventory, but that all items on the inventory are being used for agreed peaceful purposes. As noted, the nature of the particular measures employed is a function of the objective to be achieved and will differ from agreement to agreement.

The provisions agreed in the MOU of June 23, 1987, satisfy these criteria. To meet the objective of ensuring that any transferred facilities, materials, or components are not used for any nuclear explosive device, for research on or the development of such devices, or for any military purpose (Article 5(3)), and to provide for exchanges of information and visits to material, facilities and components subject to the agreement (Article 8(2)), the MOU establishes arrangements with adequate scope to provide the United States with full knowledge of items that are subject to the Agreement, where they are located, and how they are being used by the recipient.

Information is provided under the MOU in several ways. When transfers of material, facilities, or components take place, the recipient is required to confirm receipt through diplomatic channels in a specified period of time. Information is also to be provided at the request of either party for the subject material, facilities, and components. To provide a technical basis for evaluating compliance, the information includes isotopic composition, physical form, and quantity of material; locations where materials, facilities, or components are used or stored; and information on the operation of facilities including, for reactors, loading, and thermal energy generated. Together these stipulations on information access and exchange provide the basis for establishing a comprehensive inventory of items covered by the Agreement and for periodically checking and updating the inventory not only of items transferred, but of material produced through the use of such items.

Access in the form of on-site presence is also provided for and the opportunity during such visits ''to observe . . . the utilization and operation'' of transferred items will help to confirm information that has been provided regarding inventory and use. The frequency of visits is specified as annually for reactors, and not more than two years between visits for other items. In the case of reactors on the U.S. inventory, visits can be scheduled to coincide with reactor fueling, thus offering an opportunity to learn the most about reactor operation. Since transfers of facilities other than reactors are not contemplated by the Agreement, this approach provides the basis for an effective verification arrangement.

Finally, the MOU includes agreement that, ''When either party identifies special circumstances, the parties shall consult . . . for the purpose of making mutually acceptable arrangements for the addition or reduction of visits . . . to ensure that the objectives of Article 8(2) are fulfilled.'' It further provides that, ''Either party may request a revision of these arrangements including the frequency, occasion, or content of visits at any time. . . .'' The arrangements call for access in the form of visits, rather than the inspections that form a part of IAEA safeguards. In addition, the routine frequency of access to reactors is less than under IAEA safeguards practice. However, it must be recalled that as a nuclear weapon state, China is not required by law to place U.S. nuclear exports under IAEA safeguards and, because China's incentive to misuse U.S. supplies for nuclear explosive purposes is extremely low, the need for visits more often than annually is absent. Moreover, the wording in the MOU concerning special circumstances, or the revision of arrangements regarding visits, leaves the door open to gaining additional access when uncertainties exist for which early resolution is important to continued confidence in the cooperation Agreement.

A summary assessment of the peaceful use assurances was previously provided by the Executive Branch to the Congress in 1985. That summary includes the following paragraph:

> The proposed agreement with China contains provisions that assure that nuclear material, facilities and components supplied by the United States will not be misused. In addition to articles 8(2) and 5(2), which are discussed in this memorandum, there are commitments that these items will not be used for any military or explosive purpose, will not be retransferred without U.S. consent, and will be subject to agreed levels of physical security. All these provisions will continue in effect as long as the item in question remains in China, even if the agreement itself expires. Moreover, the agreement expressly excludes cooperation in sensitive technologies, nor does it in any way require that technology of military or strategic significance be transferred. While it provides a framework for potential U.S. nuclear exports, it does not commit the United States to export any item. Taken together, these provisions establish a regime for nuclear cooperation that is suitably stringent and appropriate for reciprocal dealing with a nuclear-weapons state.

In his letter of January 12, 1998, transmitting the certifications required by P.L. 99–183 to the Speaker of the House of Representatives, the President of the Senate, and the Chairmen of the Senate Committee on Foreign Relations, and the House Committee on International Relations, the President declared, with respect to the reciprocal arrangements under Article 8 of the Agreement:

> * * * These arrangements will provide the United States with the right to obtain all the information necessary to maintain an inventory of the items subject to the Agreement. This will include information on the operation of facilities subject to the Agreement, the isotopic composition, physical form and quantity of material subject to the Agreement and the places where items subject to the Agreement are used or kept. The arrangements also provide the United States with the right to confirm through on-site visits the use of all items subject to the Agreement. Finally, the arrangements apply as long as the provisions of Article 8(2) of the Agreement continue in effect, that is, as long as items subject to the Agreement remain in China's territory or under its jurisdiction or control. My determination that these arrangements have been designed to be effective in ensuring that items provided under the Agreement are utilized for intended peaceful purposes is based on consideration of a range of factors, including the limited scope of nuclear cooperation permitted under the Agreement, U.S. export-control procedures that will apply to any transfers to China under the Agreement, the fact that the People's Republic of China is a nuclear-weapon state and that the safeguards of the IAEA or their equivalent are not required by the Atomic Energy Act for agreements for cooperation with nuclear weapon states.

In light of these considerations, I have determined that the reciprocal arrangements, as provided in the Agreement and, upon its entry into force, in the U.S.-China Memorandum of Understanding of June 23, 1997, are not inimical to the common defense and security.

The text of the U.S.-China Memorandum of Understanding of June 23, 1987, follows.

Memorandum of Understanding

The Government of the United States of America and the Government of the People's Republic of China (the ''parties'').

Desiring to implement the Agreement for Cooperation between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy, signed July 23, 1985, and entered into force December 30, 1985 (the ''Agreement''), on the basis of mutual respect for sovereignty, non-interference in each other's internal affairs, equality and mutual benefit, and Desiring to exchange experience, strengthen technical cooperation between the parties, ensure that the provisions of the Agreement are effectively carried out, and enhance a stable, reliable, and predictable nuclear cooperation relationship,

Have established the following arrangements:

1. Each party shall invite personnel designated by the other party to visit the material, facilities and components subject to the Agreement, affording them the opportunity to observe and exchange views on, and share technical experience in, the utilization or operation of such items. Opportunities to visit shall be accorded annually to reactors including their auxiliary storage pools for the fuel. Such annual visits shall be arranged at the time of reactor fueling if it occurs. Opportunities to visit all other items shall not be less often than every two years. When either party identifies special circumstances, the parties shall consult, at the request of either party, for the purpose of making mutually acceptable arrangements for the addition or reduction of visits under such circumstances in order to ensure that the objectives of Article 8(2) are fulfilled.

2. When material, facilities or components are transferred pursuant to the Agreement, the recipient party shall confirm receipt to the supplier party through diplomatic channels within 30 days after the arrival of the material, facilities or components in the territory of the recipient party. At the request of either party, the parties shall exchange information on the material, facilities and components subject to the Agreement. Such information shall include the isotopic composition, physical form, and quantity of the material, and places where the material, facilities or components are used or kept. It shall also include information on the operation of the facilities subject to the Agreement which in the case of a reactor shall cover thermal energy generated and loading. The parties shall seek to resolve any discrepancies through diplomatic channels. The information shall be treated as confidential.

The above arrangements fulfill the requirements of Article 8(2) of the Agreement for the types of peaceful nuclear activities pursuant to the Agreement that each party had planned as of the date of entry into force of the Agreement. These arrangements shall enter into force upon signature and shall remain in force so long as the provisions of Article 8(2) continue in effect. Either party may request a revision of these arrangements, including the frequency, occasion or content of visits, at any time; any revision shall be made by mutual agreement.

Done at this day of , 1987 in the English and Chinese languages, both equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA:

Dated: February 3, 1998.

For the Department of Energy.

Leonard S. Spector,

Director, Office of Arms Control and Nonproliferation.

[FR Doc. 98–3308 Filed 2–9–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada Test Site

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada Test Site.

DATES: Wednesday, March 4, 1998: 5:30 p.m.–9:00 p.m.

ADDRESSES: U.S. Department of Energy, Nevada Support Facility, Great Basin Room, 232 Energy Way, North Las Vegas, Nevada.

FOR FURTHER INFORMATION CONTACT: Kevin Rohrer, U.S. Department of Energy, Office of Environmental Management, P.O. Box 98518, Las Vegas, Nevada 89193–8513, phone: 702–295–0197.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Advisory Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

5:30 p.m.—Call to Order
5:40 p.m.—Presentations
7:00 p.m.—Public Comment/Questions
7:30 p.m.—Break
7:45 p.m.—Review Action Items
8:00 p.m.—Approve Meeting Minutes
8:10 p.m.—Committee Reports
8:45 p.m.—Public Comment
9:00 p.m.—Adjourn

Copies of the final agenda will be available at the meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Kevin Rohrer, at the telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Kevin Rohrer at the address listed above.

Issued at Washington, DC, on February 3, 1998.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–3310 Filed 2–9–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board; Notice of Open Meeting

AGENCY: Department of Energy.