

Act, OSHA is authorized among other things to conduct workplace health and safety inspections, including inspections in response to employee complaints, and to issue citations and conduct enforcement actions.

Section 1312 of the Energy Policy Act contains certain exceptions to the OSH Act as applied to USEC. The USEC Privatization Act deleted these exceptions with respect to application of the OSH Act to a private corporation which succeeds USEC.

VI. Implementation

In recognition of the agencies' authorities and responsibilities enumerated above, the following procedures will be followed:

A. NRC will apply its standards in inspection and enforcement of working conditions involving radiological hazards or combined hazards as described in Paragraph III. OSHA will apply its standards in inspection and enforcement of working conditions involving non-radiological hazards or combined hazards as described in Paragraph III. OSHA will not normally conduct enforcement actions with regard to GDP working conditions that involve solely radiological hazards.

B. It is not intended that either agency will in any way be restricted from regulating safety within their respective jurisdictions. If NRC or OSHA identifies, or is notified by the operator of, a conflict between NRC and OSHA requirements, both agencies will work together to resolve the concern promptly.

C. NRC has established a permanent site office and assigned full-time inspectors at each GDP, and plans to continue this arrangement for the foreseeable future. The results of NRC inspections will be provided to OSHA on request, subject to applicable procedures to protect classified and proprietary information. The information will also be available in NRC local public document rooms, and available to GDP workers on request, except for any portions containing classified, proprietary, private, or other information withheld from the public in accordance with applicable laws and regulations. NRC resident inspectors will also be available to discuss working conditions with workers.

D. Although NRC does not conduct inspections exclusively focused on non-radiological safety, in the course of inspections related to radiological hazards or combined hazards, NRC personnel may identify non-radiological worker safety concerns. NRC will bring the identified matters to the attention of GDP management. Significant worker safety concerns will be documented in writing and made available as specified in Paragraph VI.C. In addition, OSHA will be informed as follows:

1. *Referral to OSHA of Hazards Identified by NRC.* If non-radiological worker safety concerns are identified by NRC, or if USEC demonstrates a pattern of unresponsiveness to non-radiological worker safety concerns identified by others, NRC will inform the appropriate OSHA Regional Office.

2. *Referral to OSHA of Worker Safety and Health Complaints.* NRC will refer worker safety or health complaints, related to non-radiological or combined hazards, to the

appropriate OSHA Regional Office in accordance with existing NRC procedures. These procedures provide for protection of the identity of the complainant to the extent feasible.

E. To the extent practicable, OSHA inspectors will inform the NRC Site Office, on arrival on site, of OSHA inspections in areas where combined radiological and non-radiological hazards are present as described in Paragraph III. Findings from such inspections will be shared and coordinated with NRC.

F. OSHA Regional Offices will inform the NRC Region III Office or Site Office of matters related to radiological hazards or combined hazards, when such matters come to their attention during inspections or through complaints. Workers' complaints falling within NRC jurisdiction will be handled by NRC in accordance with existing procedures.

G. Worker representatives may accompany NRC inspectors on inspections of working conditions as provided in 10 CFR Part 19. Worker representatives may accompany OSHA inspectors as provided in 29 CFR Part 1903.

H. The employee protection provisions in Section 211 of the Energy Reorganization Act of 1974, as amended, 10 CFR Part 76.7, and Section 11 (c) of the OSH Act are applicable to employees of USEC and contractors at its administered facilities.

I. In recognition of the fact that both NRC and OSHA will conduct inspections in areas where combined hazards are present, OSHA will provide NRC personnel with basic chemical and industrial safety training in OSHA safety standards, consistent with ongoing OSHA training programs and resource constraints. Also, NRC will provide OSHA personnel with training in basic radiation safety requirements, consistent with ongoing NRC training programs and resource constraints. Details of such training will be as mutually agreed to by the NRC Technical Training Center and the OSHA National Training Institute.

VII. Enforcement

A. Each agency will conduct an inspection and enforcement program within its responsibilities as warranted.

B. Each agency will take enforcement actions as it deems appropriate within the limits of its authorities. Upon completion of any NRC and/or OSHA inspections/investigations associated with the same set of facts or the same incident for which either agency intends to take enforcement action, NRC and OSHA will consult with each other on the results of their respective inspections and will jointly define the scope of enforcement actions to minimize duplicative enforcement actions and preclude duplicative civil penalties.

VIII. Contacts

NRC and OSHA will designate appropriate contacts for implementation of this memorandum. A list of OSHA contacts will be provided to the Director, Office of Nuclear Material Safety and Safeguards, NRC. A list of NRC contacts will be provided to the Director of Policy, OSHA.

IX. Effective Date, Revision, and Termination

This memorandum shall be effective upon signature by authorized representatives of the respective agencies, and shall continue in effect until revised by mutual agreement, unless terminated by either party upon 120 days notice in writing.

For the Nuclear Regulatory Commission.

Dated: July 26, 1996.

James M. Taylor,

Executive Director for Operations.

For the Occupational Safety and Health Administration.

Dated: July 26, 1996.

Joseph A. Dear,

Assistant Secretary for Occupational Safety and Health.

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Renewal of Advisory Committee on Presidential Libraries

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App.) and advises of the renewal of the National Archives and Records Administration's (NARA) Advisory Committee on Presidential Libraries. In accordance with Office of Management and Budget (OMB) Circular A-135, OMB approved the inclusion of the Advisory Committee on Presidential Libraries in NARA's ceiling of discretionary advisory committees. The Committee Management Secretariat, General Services Administration, also concurred with the renewal of the Advisory Committee on Presidential Libraries in correspondence dated June 21, 1996.

The Archivist of the United States has determined that the renewal of the Advisory Committee is in the public interest due to the expertise and valuable advice the Committee members provide on issues affecting the functioning of existing Presidential libraries and library programs and the development of future Presidential libraries. NARA will use the Committee's recommendations in our implementation of strategies for the efficient operation of the Presidential libraries.

Dated: July 24, 1996.

L. Reynolds Cahoon,

NARA Committee Management Officer.

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