assessment need be prepared for this amendment.

USEC or any person whose interest may be affected may file a petition, not exceeding 30 pages, requesting review of the Director's Decision. The petition must be filed with the Commission not later than 15 days after publication of this **Federal Register** notice. A petition for review of the Director's Decision shall set forth with particularity the interest of the petitioner and how that interest may be affected by the results of the Decision. The petition should specifically explain the reasons why review of the Decision should be permitted with particular reference to the following factors: (1) The interest of the petitioner; (2) how that interest may be affected by the Decision, including the reasons why the petitioner should be permitted a review of the Decision; and (3) the petitioner's areas of concern about the activity that is the subject matter of the Decision. Any person described in this paragraph (USEC or any person who filed a petition) may file a response to any petition for review, not to exceed 30 pages, within 10 days after filing of the petition. If no petition is received within the designated 15-day period, the Director will issue the final amendment to the Certificate of Compliance without further delay. If a petition for review is received, the Decision on the amendment application will become final in 60 days, unless the Commission grants the petition for review or otherwise acts within 60 days after publication of this **Federal Register** notice.

A petition for review must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, by the above date.

For further details with respect to the action see: (1) The application for amendment and (2) the Commission's Compliance Evaluation Report. These items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, and at the Local Public Document Room.

Date of amendment request: March 31, 1997.

Brief description of amendment: The amendment, in accordance with a commitment made in the USEC certificate application, changes the administrative Technical Safety Requirement (TSR) that limits the working hours of facility staff who perform safety functions.

Basis for finding of no significance:

1. The proposed amendment will not result in a change in the types or significant increase in the amounts of any effluents that may be released offsite.

Limiting working hours of facility staff who perform safety functions may enhance safety by reducing occupational stresses and burdens on facility staff who perform safety functions. Therefore, this TSR amendment will not result in an increase in the amounts of effluents that may be released offsite or result in any impact to the environment.

2. The proposed amendment will not result in a significant increase in individual or cumulative occupational radiation exposure.

The proposed reductions in overtime limits, will not increase individual or cumulative occupational radiation exposure.

3. The proposed amendment will not result in a significant construction impact.

The proposed changes will not result in any construction, therefore, there will be no construction impacts.

4. The proposed amendment will not result in a significant increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents.

The proposed change involves revision of the hours of work TSR to establish more restrictive limitations than the current TSR. As such, these changes do not represent an increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents.

5. The proposed amendment will not result in the possibility of a new or different kind of accident.

The proposed changes will not result in the possibility of a new or different kind of accident. In fact, the reductions in overtime limits described in the assessment of criterion 1, may enhance safety by reducing occupational stresses and burdens on facility staff who perform safety functions.

6. The proposed amendment will not result in a significant reduction in any margin of safety.

The proposed changes, more restrictive work hour controls, will not reduce the margin of safety as defined in the Technical Safety Requirement. The change is needed to minimize the potential for adverse effects which may be associated with excessive work hours.

7. The proposed amendment will not result in an overall decrease in the effectiveness of the plant's safety, safeguards or security programs.

Reduction in limits to overtime would not result in a decrease in the overall effectiveness of the plant's safety program. The staff has also not identified any safeguards or security related implications from the proposed amendment. Therefore, reducing the limits on overtime will not result in an overall decrease in the effectiveness of the plant's safety, safeguards, or security programs.

Effective date: The amendment to Certificate of Compliance GDP–1 becomes effective 30 days after being signed by the Director, Office of Nuclear Material Safety and Safeguards.

Certificate of Compliance No. GDP–1: Amendment will revise the Technical Safety Requirement on overtime.

Local Public Document Room location: Paducah Public Library, 555 Washington Street, Paducah, Kentucky 42003.

Dated at Rockville, Maryland, this 5th day of June 1997.

For the Nuclear Regulatory Commission.

Carl J. Paperiello,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 97–15387 Filed 6–11–97; 8:45 am]

BILLING CODE 7590–01–P

POSTAL RATE COMMISSION

[Docket No. MC97–3]

Bound Printed Matter Weight Limitations; Notice and Order Initiating Proceedings to Consider Changes in Domestic Mail Classification Schedule Provisions Governing Bound Printed Matter and Directing Parties to Initiate Informal Procedures

Issued June 5, 1997.

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

In Order No. 1175, the Commission gave notice of the Postal Service's withdrawal of its Request for various reforms in the classification of parcels, and granted the Service's motion to close the docket which had been established to consider that Request. Docket No. MC97–2, notice of withdrawal of Request by United States Postal Service and Order Granting Motion to Close Docket, May 9, 1997. The Order also noted the filing of a Joint Motion [1] asking the Commission to

[1] Joint Motion of Advertising Mail Marketing Association, Association of American Publishers

Continued

exercise its authority under 39 U.S.C. § 3623(b) by initiating a proceeding, *sua sponte*, to consider whether the maximum weight limitation applicable to the bound printed matter subclass should be increased from 10 pounds to 15 pounds, as the Postal Service proposed in its Request. Id. at 2, n. 2. In view of the nature of the relief requested in the Joint Motion, the Commission decided to consider it independently, rather than ruling upon it as a pending motion in Docket No. MC97–2. Ibid.

In a response filed on May 8, 1997,[2] the United States Postal Service opposed the joint movants' request. No other party has submitted a response to the Joint Motion.

For the reasons presented herein, the Commission has decided to initiate proceedings for the sole purpose of considering a possible modification in the Domestic Mail Classification Schedule provision limiting eligibility for mailing within the Bound Printed Matter subclass to ''Standard Mail weighing * * * not more than 10 pounds[.]'' DMCS § 322.31, 39 C.F.R. § 3001.322.31. While this proceeding is subject to the requirements of 39 U.S.C. § 3624(a), rather than establishing a formal procedural schedule in the docket at this time, the Commission shall direct interested parties to participate in informal conferences with a view to the potential settlement of the matter.

I. Bases of Joint Movants' Request for Proceedings

The movants note that the Postal Service's Request in Docket No. MC97–2 contained a proposal to increase the maximum allowable weight of a piece that otherwise meets the conditions of eligibility for mailing at the Bound Printed Matter (BPM) rates from 10 to 15 pounds. They further observe that this revision was the only change proposed by the Service in the conditions of eligibility for BPM rates, and that no change was proposed in the structure of those rates. Thus, under the Service's proposal, otherwise eligible pieces between 10 and 15 pounds would pay pre-existing BPM per-piece and per-pound rates according to their actual weight. Joint Motion at 1–2.

Notwithstanding the Postal Service's withdrawal of its Request in MC97–2, the joint movants argue that the Commission is authorized to consider the limited BPM proposal on its own initiative, and should do so at this time. They characterize the proposal as a ''pure'' classification matter, as ''it would simply extend existing rates to mail matter made eligible for BPM as a result in the increase in the maximum rate limitation.'' Id. at 3. Because the proposal does not raise the ''thorny question'' of the Commission's authority to recommend a new rate in the absence of a Postal Service rate request, movants claim that the Commission's statutory power to establish a classification proceeding to consider the change is beyond dispute. Id. at 2–3.

Movants argue that the Commission should exercise its statutory authority and discretion to institute a classification proceeding at this time for three reasons. First, they claim that the proposed change warrants serious consideration because there is at least a *prima facie* question whether the current 10 pound limitation serves basic postal policy purposes any longer, and a change in the maximum to 15 pounds would be lawful on its face and responsive to the applicable policy considerations. To support this point, movants represent that some mailers, including book publishers, currently split their shipments in order to meet the 10-pound weight limitation. This practice purportedly increases costs to the mailer, and ultimately to its customers, while decreasing Postal Service operational efficiencies. Id. at 4.

Second, movants claim that failure to initiate the requested proceeding will harm those mailers who stand to benefit from a relaxation of the current maximum weight limitation, as well as their customers. Movants observe that the Postal Service's notice withdrawing its Request in MC97–2 did not state when an omnibus rate case might be filed, but they anticipate that there will be an interval of at least two years between the filing of the original Request and possible implementation of a higher BPM weight limit recommended in the next general rate case. Absent some countervailing consideration, movants argue that there is no reason to deprive mailers of the potential benefits of the classification change when there is an opportunity to implement it more quickly. Id. at 4–5.

Finally, the joint movants argue that instituting a proceeding at this time would not overburden the resources of either the Postal Service or the Commission, and would be consistent with administrative efficiency. In the context of the instant proposal, they argue, the Postal Service's resources are not likely to be taxed because it has already done the surveys and prepared the testimony necessary for its support in Docket No. MC97–2. Id. at 5–6. They also claim that consideration of the proposed increase in the maximum weight limit for BPM would not be likely to require protracted proceedings because the proposed change would not produce significant impact upon Postal Service costs or revenues, or upon other users of Bound Printed Matter or other mail categories. Joint movants state a belief that a negotiated settlement in the proceeding is ''distinctly possible.'' Id. at 6. Even if the matter cannot be resolved by a settlement among the parties, they anticipate that conduct of the proceeding should not require more than 90 days. Id. at 6. Expeditious resolution of this issue would represent an efficient use of Commission and Postal Service resources, movants argue, because it would narrow the scope of the next general rate proceeding and remove uncertainty as to how potential pieces of BPM between 10 and 15 pounds should be treated for purposes of forecasting volumes, costs and revenues. Id. at 6–7.

II. Postal Service Response and Joint Movants' Rejoinder

In its Response of May 8, the Postal Service opposes institution of a proceeding to consider the requested BPM classification change at this time. The Service states that the proposal to increase the BPM weight limit was ''part and parcel'' of the initiatives which were withdrawn in Docket No. MC97–2, but that there is no reason to doubt that it will be included in the next omnibus rate case. Response at 1. Under these circumstances, and in light of the other work it is currently undertaking, the Service states that it is unwilling to refile the materials it submitted in support of the proposal and to provide a witness to sponsor those materials. Ibid.

The Service also disputes joint movants' position that the proposed change in the BPM weight limit is a ''pure'' classification change that the Commission can initiate *sua sponte*. According to the Service, the proposal raises ''clear rate and revenue issues'' that would be better considered as part of a more comprehensive proposal that would accommodate all potential rate and revenue effects. Id. at 1–2. The Service suggests that the next general rate case, ''or, if it is not imminent, another parcel case'' would be the appropriate setting in which to consider the proposed BPM change. Id. at 2.

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and the Direct Marketing Association for Bound Printed Matter (Joint Motion), April 23, 1997.

[2] The Postal Service's untimely Response was accompanied by a Motion for Late Acceptance. On May 21, the joint movants filed a Reply to the Postal Service's Response, together with a request for acceptance of the reply pleading. In light of the further elucidation of issues provided by these pleadings, and of the parties' mutual opportunities to respond, both motions shall be granted.

The joint movants responded to the Service's arguments in a Reply filed on May 21. First, they argue that the Service's declared disinclination to refile supporting evidence or to sponsor a witness is irrelevant to the Commission's statutory authority to initiate classification proceedings pursuant to § 3623(b), which ''does not accord the Postal Service veto power over such Commission initiatives by holding the Commission captive to the Postal Service's willingness to supply testimony and witnesses in such proceedings.'' Reply at 2. Should a witness appear to be required to advance the proposal in the Commission's proceeding, joint movants represent that ''AMMA, AAP, and The DMA would almost certainly be in a position to provide such a witness.'' Ibid.

The joint movants also deny that the rate and revenue issues cited in the Postal Service's Response pose any obstacle to initiating the requested proceeding. Inasmuch as the requested classification change entails no change in BPM rates—just as the Service's proposal in MC97–2 did not—joint movants argue that no substantial rate issues are posed by the proposal. Citing the pre-filed direct testimony of a Postal Service witness in MC97–2, they also challenge the existence of any ''knotty revenue issues'' in connection with the proposed BPM classification change. Thus, they argue, the Postal Service has not advanced any meritorious basis for declining to go forward with the requested proceeding. Ibid.

III. Considerations Leading to Initiation of Proceedings

Upon consideration of the arguments presented by joint movants and the Postal Service, the Commission concludes that the topic of Bound Printed Matter weight limitations is a mail classification matter which the Commission is authorized to consider in a proceeding commenced on it own initiative. Moreover, in view of the factors cited by joint movants, the Commission has determined to initiate such a proceeding for the prompt consideration of potentially appropriate changes in the current BPM weight limit.

While implementation of a change in the current weight limit admittedly may have some associated revenue and cost effects, the Commission cannot agree with the Postal Service's argument that jurisdiction to initiate a proceeding on the Commission's own initiative is lacking because the proposal intrinsically raises revenue and other rate-related issues that would require a rate request from the Governors. As joint movants have noted, the proposal does not involve any change in existing Bound Printed Matter rates, and its implementation would not require any change whatsoever in current rate schedules. On the contrary, an adjustment in the current BPM weight limit to include heavier pieces would be a classic exercise of the Commission's authority to recommend changes in mail classification, which consists of '' 'grouping' of mailing matter for the purpose of assigning it a specific rate or method of handling. Relevant factors include size, weight, content ease of handling, and identity of both posting party and recipient.'' *National Retired Teachers Association* v. *U.S. Postal Service,* 430 F.Supp. 141, 146–47 (D.D.C. 1977), aff'd, 593 F.2d 1360 (D.C. Cir. 1979). (Emphasis added.)

Similarly, the Commission sees no procedural or evidentiary impediments to going forward with a proceeding to consider the requested change at this time. The proposed increase in the maximum weight limit for BPM is a limited and self-contained change in existing mail classifications, as movants note. This being the case, there is no compelling need to await the filing of other parcel classification initiatives prior to considering the requested change. With regard to evidentiary requirements, the proposal's effects on Postal Service revenues and costs are issues to be considered, but it is reasonable to anticipate that evidence bearing on them will be forthcoming. While the Postal Service has stated its disinclination to re-submit evidence from its direct case in MC97–2, the joint movants have undertaken the evidentiary burden of advancing the proposal, as noted above, and the Postal Service will of course have the opportunity to provide evidence in response.

On the other hand, there appear to be several affirmative reasons for going forward with the proceeding at this time. This particular proposal has already been considered by Postal Service management and approved for submission by the Governors in Docket No. MC97–2, and evidently was received with favor by a significant segment of Bound Printed Matter mailers. While the Postal Service's Request in MC97–2 is no longer before the Commission, these facts strongly suggest that the proposal merits consideration. Taken together with statements in the Postal Service's Response to the Joint Motion, they also suggest that the Commission ultimately will be called upon to make a recommendation regarding this proposal, if not in the proceeding requested by joint movants, then in a subsequent case in the foreseeable future. In addition, the joint movants apparently are sanguine about the prospects of settlement on this proposal in the proceeding they request now.

Furthermore, consideration of the proposed change prior to the Postal Service's filing of an omnibus rate request, or initiation of another parcel classification reform docket, may serve to accelerate the removal of a restriction that, movants claim, induces mailer practices that are detrimental to the mailer, its customers, and arguably to the operational objectives of the Postal Service. Additionally, if the Commission determines that the proposal warrants recommendation, its adoption would constitute a modest first step in advancing classification reform of the parcel categories, and serve to simplify and facilitate the rest of the process.

For these reasons, the Commission shall initiate special proceedings to consider potential changes in the portion of Domestic Mail Classification Schedule section 322.31 (39 CFR 3001.322.31) which restricts eligibility for mailing within the Bound Printed Matter subclass to ''Standard Mail weighing * * * not more than 10 pounds[.]'' As a mail classification proceeding, this docket is subject to the formal procedural requirements specified in 39 U.S.C. § 3624(a). However, in light of the limited scope of the proceeding and the history of the BPM proposal in connection with Docket No. MC97–2,[3] the Commission shall direct interested parties to participate in informal conferences with a view to the potential settlement of the matter initially, rather than establishing a formal schedule in the docket at this time. The first such conference will be scheduled for July 9, at 10:00 a.m., in the Hearing Room of the Commission, 1333 H Street, N.W., Suite 300, Washington, D.C. Those attending this conference should designate a spokesperson to inform the Commission by July 23, 1997, of the progress made toward reaching a negotiated settlement. The Commission itself will not take an active role in these informal discussions.

It is ordered:

(1) The Joint Motion of Advertising Mail Marketing Association, Association of American Publishers and the Direct

[3] Because of the BPM proposal's presence in the Postal Service's Request in Docket No. MC97–2, the Commission will direct the Secretary to serve copies of this Notice and Order upon all parties of record in that proceeding.

Marketing Association for Bound Printed Matter, filed April 23, 1997, is granted.

(2) The Motion of United States Postal Service for Late Acceptance of Response to Joint Motion of AMMA, AAP, and DMA, filed May 8, 1997, is granted.

(3) The Joint Motion of Advertising Mail Marketing Association, Association of American Publishers and the Direct Marketing Association for Acceptance of Reply Pleading, filed May 21, 1997, is granted.

(4) Notices of intervention in this proceeding shall be filed no later than June 30, 1997.

(5) W. Gail Willette, Director of the Commission's Office of the Consumer Advocate, is designated to represent the general public in this proceeding.

(6) An informal conference among the parties for the purpose of exploring the potential for a negotiated settlement in this proceeding will be held on July 9, 1997, at 10:00 a.m. in the Hearing Room of the Commission.

(7) The Secretary shall cause this Notice and Order to be served upon each party of record in Docket No. MC97–2, and to be published in the **Federal Register**.

By the Commission.

Margaret P. Crenshaw,

Secretary.

[FR Doc. 97–15382 Filed 6–11–97; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL RATE COMMISSION

[Docket No. A97–22]

Ada, Kansas 67414 (Dennis Gasaway, et al., Petitioners); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. § 404(b)(5)

Issued June 5, 1997.

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

Docket Number: A97–22.

Name of Affected Post Office: Ada, Kansas 67414.

Name(s) of Petitioner(s): Dennis Gasaway, *et al.*

Type of Determination: Closing.

Date of Filing of Appeal Papers: June 2, 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 Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. § 404 (b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

The Commission orders:

(a) The Postal Service shall file the record in this appeal by June 17, 1997.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the **Federal Register**.

By the Commission.

Margaret P. Crenshaw,

Secretary.

June 2, 1997 Filing of Appeal letter.
June 5, 1997 Commission Notice and Order of Filing of Appeal.
June 27, 1997 Last day of filing of petitions to intervene [see 39 CFR § 3001.111(b)].
July 7, 1997 Petitioners' Participant Statement or Initial Brief [see 39 CFR § 3001.115(a) and (b)].
July 28, 1997 Postal Service's Answering Brief [see 39 CFR § 3001.115(c)].
August 12, 1997 Petitioners' Reply Brief should Petitioner choose to file one [see 39 CFR § 3001.115(d)].
August 19, 1997 Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 CFR § 3001.116]
September 30, 1997 Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. § 404(b)(5)].

[FR Doc. 97–15383 Filed 6–11–97; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL RATE COMMISSION

[Docket No. A97–23]

Kingsdown, Kansas 67858 (Homer Schoonover, et al., Petitioners); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. § 404(b)(5)

(Issued June 5, 1997)

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

Docket Number: A97–23.

Name of Affected Post Office: Kingsdown, Kansas 67858.

Name(s) of Petitioner(s): Homer Schoonover, et al.

Type of Determination: Closing.

Date of Filing of Appeal Papers: June 2, 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 Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. § 404 (b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

The Commission orders:

(a) The Postal Service shall file the record in this appeal by June 17, 1997.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the **Federal Register**.

By the Commission.

Margaret P. Crenshaw,

Secretary.

Appendix

June 2, 1997 Filing of Appeal letter.