

the Advisory Committee on Nuclear Waste for NRC and the Defense Nuclear Facilities Safety Board for DOE, provide independent technical advice concerning facilities, safety studies, and related matters. As appropriate, DOE and NRC agree to support these types of independent reviews by providing readily available information or designating representatives to attend briefings related to their respective areas of responsibilities.

V. Other Provisions

1. Nothing in this MOU shall limit the rights or ability of either agency to exercise its authority independently with regard to matters that are the subject of this MOU.

2. Nothing in this MOU shall be deemed to establish any right nor provide a basis for any action, either legal or equitable, by any person or class of persons challenging a government action or a failure to act.

3. This MOU is not entered into for purposes of addressing issues related to possible changes in the scope of either party's authority to regulate nuclear materials and facilities.

4. This MOU may be further implemented by supplementary agreements in which authorized representatives of DOE and NRC may amplify or modify the policy or provisions in this MOU or any of its supplements, provided that any material modifications of the provisions or any of its supplements shall be subject to the approval of the authorized signatories of this MOU or their designated representatives.

5. This MOU shall be effective upon signature of the Secretary of Energy and the Chairman of the NRC and will remain in effect until terminated by mutual agreement or by the written notice of either party submitted six months in advance of termination. Amendments or modifications to this MOU may be made upon the written agreement of the parties.

6. In developing specific MOUs for particular projects and activities, the parties shall consider what provisions should be made for the handling of whistleblower issues or other citizen complaints.

Hazel R. O'Leary,
Secretary, U.S. Department of Energy.

Shirley A. Jackson,
Chairman, U.S. Nuclear Regulatory Commission.

This Memorandum of Understanding was signed by the Chairman of the Nuclear Regulatory Commission and the Secretary of Energy on January 15, 1997.

Dated at Rockville, Maryland, this 5 day of March 1997.

For the Nuclear Regulatory Commission.
Robert C. Pierson,
Chief, Special Projects Branch, Division of
Fuel Cycle Safety and Safeguards, NMSS.
[FR Doc. 97-6345 Filed 3-12-97; 8:45 am]
BILLING CODE 7590-01-P

[Docket Nos. 70-7001 and 70-7002]

Notice of Transition of Regulatory Authority Over the U.S. Enrichment Corporation Gaseous Diffusion Plants

The U.S. Nuclear Regulatory Commission assumed regulatory jurisdiction, from the U.S. Department of Energy (DOE), over the United States Enrichment Corporation (USEC) gaseous diffusion plants (GDPs) located in Paducah, Kentucky, and Piketon, Ohio, at 12:01 a.m. on March 3, 1997.

The President signed H.R. 776, the Energy Policy Act of 1992 (the Act), into law on October 24, 1992. The Act amended the Atomic Energy Act of 1954, to establish a new government corporation, USEC, for the purpose of operating the uranium enrichment enterprise owned and previously operated by DOE. The Act provided that NRC would promulgate standards that apply to USEC's operation of its GDPs, to protect public health and safety from radiological hazards, and to provide for the common defense and security. The Act directed NRC to establish and implement a certification process under which NRC would certify the GDPs for compliance with these standards. DOE agreed to retain nuclear safety, safeguards, and security oversight of the GDPs until NRC finished its certification process.

On September 16, 1996, the Director, Office of Nuclear Material Safety and Safeguards (Director) signed the initial certification decision. Notice of this decision appeared in the Federal Register (61 FR 49360) on September 19, 1996. The Director signed the final Certificates of Compliance for the GDPs on November 26, 1996. The Certificates of Compliance provided for a transition period before NRC's assuming regulatory authority, to allow USEC to complete necessary procedure revision and training on the NRC-approved application. DOE continued regulatory oversight during this transition period. The transition period ended at midnight on March 2, 1997. NRC assumed regulatory oversight at the GDPs at 12:01 a.m. (local time) on March 3, 1997.

NRC has not assumed regulatory jurisdiction over the entire Paducah and Portsmouth reservations. DOE retains

regulatory jurisdiction over those portions of both sites that have activities unrelated to the enrichment process and that are not leased by USEC. Examples of activities for which DOE retains responsibility are environmental restoration activities, cylinder storage yards that contain depleted UF₆ generated before July 1993, and activities related to highly enriched uranium.

All correspondence related to the GDPs, except for proprietary and classified information, is available for public inspection and copying at the Commission Public Document Room, 2120 L Street, NW., Washington, DC 20555 it is also available at the Local Public Document Rooms, under Docket No. 70-7001, at the Paducah Public Library, 555 Washington Street, Paducah, Kentucky 42003; and under Docket No. 70-7002, at the Portsmouth Public Library, 1220 Gallia Street, Portsmouth, Ohio 45662.

Dated at Rockville, Maryland, this 3rd day of March 1997.

For the Nuclear Regulatory Commission.
Carl J. Paperiello,
Director, Office of Nuclear Material Safety
and Safeguards.
[FR Doc. 97-6346 Filed 3-12-97; 8:45 am]
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POSTAL RATE COMMISSION

[Order No. 1162; Docket No. A97-14]

Spottswood, Virginia 24475 (Regina Kesterson, Petitioner); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued March 10, 1997.

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

Docket Number: A97-14.

Name of Affected Post Office:
Spottswood, Virginia 24475.

Name(s) of Petitioner(s): Regina Kesterson.

Type of Determination: Closing.

Date of filing of Appeal Papers: March 3, 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