

material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission; and,

E. The extraction or concentration of source material from source material ore and the management and disposal of the resulting by-product material.

Article III

This Agreement may be amended, upon application by the Commonwealth and approval by the Commission, to include the additional area(s) specified in Article II, paragraph E, whereby the Commonwealth can exert regulatory control over the materials stated therein.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, by-product, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article V

This Agreement shall not affect the authority of the Commission under Subsection 161b or 161i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article VI

The Commission will use its best efforts to cooperate with the Commonwealth and other Agreement States in the formulation of standards and regulatory programs of the Commonwealth and the Commission for protection against hazards of radiation and to assure that Commonwealth and Commission programs for protection against hazards of radiation will be coordinated and compatible. The Commonwealth will use its best efforts to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the Commonwealth and the Commission for protection against hazards of radiation and to assure that the Commonwealth's program will continue to be compatible with the program of the Commission for the regulation of like materials. The Commonwealth and the Commission will use their best efforts to keep each other informed of proposed changes in

their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VII

The Commission and the Commonwealth agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any other Agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII

Commission, upon its own initiative after reasonable notice and opportunity for hearing to the Commonwealth, or upon request of the Governor of the Commonwealth, may terminate or suspend all or part of this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect public health and safety, or (2) the Commonwealth has not complied with one or more of the requirements of Section 274 of the Act. The Commission may also, pursuant to Section 274j of the Act, temporarily suspend all or part of this Agreement if, in the judgement of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the Commonwealth has failed to take necessary steps. The Commission shall periodically review this Agreement and actions taken by the Commonwealth under this Agreement to ensure compliance with Section 274 of the Act.

Article IX

This Agreement shall become effective on [April 24, 1996.] >(date to be determined)< and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Done at [Boston, Massachusetts] >(location to be determined)<, in triplicate, this [24]th Day of [April, 1996] >(date to be determined)<.

For the United States Nuclear Regulatory Commission
Shirley Ann Jackson,
Chairman.

For the Commonwealth of Massachusetts
William F. Weld,
Governor.
[FR Doc. 96-32756 Filed 12-24-96; 8:45 am]
BILLING CODE 7590-01-P

Policy and Procedure for Enforcement Actions; Policy Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statement: corrections.

SUMMARY: This document presents corrections to the revision of the policy statement that was published December 10, 1996 (61 FR 65088). This action is necessary to correct the inadvertent failure to change two paragraphs of the Enforcement Policy concerning matters on which the NRC staff must notify the Commission. These additional changes are consistent with the other changes that were made in the revision as published.

EFFECTIVE DATE: The revision became effective on December 10, 1996.

FOR FURTHER INFORMATION CONTACT: James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (301) 415-2741.

SUPPLEMENTARY INFORMATION: On December 10, 1996 (61 FR 65088), the NRC published a revision to its "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy or Policy) to address issues regarding consultation with the Commission and other subjects. Sections III of the Policy was revised to reflect the new list of circumstances in which the Commission would be consulted or notified. However, two paragraphs in Section VII, Exercise of Discretion, were not amended to reflect the changes adopted by the Commission. This document modifies those two paragraphs to reflect the appropriate policy as to notification to the Commission when the staff exercises discretion in enforcement matters. These two paragraphs were inadvertently omitted in the revision prepared for publication in the Federal Register.

Accordingly, the NRC Enforcement Policy is corrected by revising the first paragraphs in Sections VII.A.1. and VII.B. to read as follows:

General Statement of Policy and Procedure for NRC Enforcement Actions

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VII. EXERCISE OF DISCRETION

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A. Escalation of Enforcement Sanctions

* * * * *

1. *Civil penalties.* Notwithstanding the outcome of the normal civil penalty assessment process addressed in Section VI.B, the NRC may exercise discretion

by either proposing a civil penalty where application of the factors would otherwise result in zero penalty or by escalating the amount of the resulting civil penalty (i.e., base or twice the base civil penalty) to ensure that the proposed civil penalty reflects the significance of the circumstances and conveys the appropriate regulatory message to the licensee. The Commission will be notified if the deviation in the amount of the civil penalty proposed under this discretion from the amount of the civil penalty assessed under the normal process is more than two times the base civil penalty shown in Tables 1A and 1B. Examples when this discretion should be considered include, but are not limited to the following:

* * * * *

B. Mitigation of Enforcement Sanctions

The NRC may exercise discretion and refrain from issuing a civil penalty and/or a Notice of Violation, if the outcome of the normal process described in Section VI.B does not result in a sanction consistent with an appropriate regulatory message. In addition, even if the NRC exercises this discretion, when the licensee failed to make a required report to the NRC, a separate enforcement action will normally be issued for the licensee's failure to make a required report. The approval of the Director, Office of Enforcement, with consultation with the appropriate Deputy Executive Director as warranted, is required for exercising discretion of the type described in Section VII.B.1.b where a willful violation is involved, and of the types described in Sections VII.B.2 through VII.B.6. Commission notification is required for exercising discretion of the type described in: (1) Section VII.B.2 the first time discretion is exercised during that plant shutdown, and (2) Section VII.B.6 where appropriate based on the uniqueness or significance of the issue. Examples when discretion should be considered for departing from the normal approach in Section VI.B include but are not limited to the following:

* * * * *

Dated at Rockville, MD, this 18th day of December, 1996.

For the Nuclear Regulatory Commission.
John C. Hoyle.

Secretary of the Commission.

[FR Doc. 96-32755 Filed 12-24-96; 8:45 am]

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UNITED STATES POSTAL SERVICE

Board of Governors; Notice of a Sunshine Act Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR Section 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 1:00 p.m. on Monday, January 6, 1997, and at 8:30 a.m. on Tuesday, January 7, 1997, Washington, DC.

The January 6 meeting is closed to the public (see 61 FR 65092, December 10, 1996). The January 7 meeting is open to the public and will be held at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., in the Benjamin Franklin Room. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Thomas J. Koerber, at (202) 268-4800.

Agenda

Monday Session

January 6-1:00 p.m. (Closed)

1. Consideration of a Proposed Filing with the Postal Rate Commission for Parcels. (John H. Ward, Vice President, Marketing Systems)
2. Consideration of Classroom Publication Rates. (John H. Ward, Vice President, Market Systems)
3. Consideration of Funding Approval for International Service Centers. (James F. Grubiak, Vice President, International Business; and John F. Kelly, Vice President, New York Metro Area Operations)

Tuesday Session

January 7-8:30 a.m. (Open)

1. Minutes of the Previous Meetings, December 2-3, 1996.
2. Remarks of the Postmaster General/Chief Executive Office. (Marvin Runyon)
3. Consideration of Board Resolution on Capital Funding. (Tirso del Junco, M.D., Chairman of the Board)
4. Consideration of Amendments to BOG Bylaws. (Chairman del Junco)
5. Annual Report on Government in the Sunshine Act Compliance. (Thomas J. Koerber, Secretary of the Board)
6. Postmaster General's FY 1996 Annual Report. (Larry M. Speakes, Senior Vice President, Corporate & Legislative Affairs)
7. Capital Investments.
 - a. Golden, Colorado, Main Post Office/Delivery Distribution Center. (Rudolph K. Umscheid, Vice President, Facilities)
 - b. Las Vegas, Nevada, Processing and Distribution Center. (Vice President Umscheid)
 - c. Remote Computer Reader Enhanced Handwriting Recognition. (William J. Dowling, Vice President, Engineering)
8. Election of Chairman and Vice Chairman of the Board of Governors.

9. Tentative Agenda for the February 3-4, 1997, meeting in Albuquerque, New Mexico.
Thomas J. Koerber,
Secretary.

[FR Doc. 96-33015 Filed 12-23-96; 2:36 pm]

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RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Customer Satisfaction Surveys. In accordance with Executive Order 12862, the Railroad Retirement Board (RRB) conducts a number of customer surveys designed to determine the kinds and quality of services our beneficiaries, claimants, employers and members of the public want and expect, as well as their satisfaction with existing RRB services. The information collected is used by RRB management to determine where and to what extent services are satisfactory and where and to what extent services can be improved. The surveys are limited to data collections that solicit strictly voluntary opinions, and do not collect information which is required or regulated.

The RRB currently utilizes OMB public information collection 3220-0188 (RRB Customer Satisfaction Survey), to gather information used in monitoring customer satisfaction. The RRB proposes to replace this information collection by securing approval of a generic clearance for customer survey activities. The generic clearance will enhance the RRB's capability to submit new or revised customer survey instruments needed to timely implement customer monitoring