Date and Time: November 12, 1998—8:00 AM–5:15 PM; November 13, 1998—8:00 AM–3:00 PM.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 1235, Arlington, VA 22230.

Type of Meeting: Open

Contact Person: Adriaan De Graaf, Executive Officer, MPS, Room 1005, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1800.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations on development of MPS strategic planning mechanisms; provide advice on the appropriateness of current disciplinary boundaries; evaluate the current MPS interfaces with academia and industry; and advise on methods of achieving overall program excellence in MPS.

November 12, 1998

Agenda:

AM—Introductory Remarks, MPS Science Themes

PM—Report on Existing and Future Facilities, MPS Education Themes

November 13, 1998

AM—Continued Discussion on MPS Education Themes, Government-University Partnerships for Advanced Computing

PM—Meeting Wrap-up/Future Business

Dated: October 20, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–28530 Filed 10–23–98; 8:45 am]

BILLING CODE 7550–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Research, Evaluation and Communication; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Research, Evaluation and Communication (#1210)

Date and Time: November 16–17, 1998 and 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 880, Arlington, VA 22230

Type of Meeting: Closed

Contact Persons: Dr. Eric Hamilton, Program Director, Division of Educational System Reform (ESR), Room 875 and Dr. Bernice T. Anderson, Program Director, Research, Evaluation and Communication (REC), Room 855, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1650 for REC and (703) 306–1694) for ESR.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate formal proposals submitted to Systemic Initiatives Research Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 20, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–28531 Filed 10–23–98; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 55–32442–SP and ASLBP No. 99–753–01–SP]

Atomic Safety and Licensing Board Panel; Shaun P. O'Hern (Denial of Reactor Operator's License); Notice of Hearing

Before Administrative Judges: Peter B. Bloch, Presiding Officer, Dr. Richard F. Cole, Special Assistant.

The request for a hearing filed by Shaun P. O'Hern on September 22, 1998 has been granted. The hearing will be conducted pursuant to 10 CFR Part 2, Subpart L and may be determined entirely based on written presentations. The subject of the hearing is the denial of Mr. O'Hern's application to operate a nuclear reactor. This notice is published pursuant to 10 CFR 2.1205(j).

Rockville, Maryland, October 20, 1998.

Peter B. Bloch,

Administrative Judge, Presiding Officer.

[FR Doc. 98–28585 Filed 10–23–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–244 and 50–410]

Rochester Gas and Electric Corp., Niagara Mohawk Power Co., R.E. Ginna Nuclear Power Plant, Nine Mile Point Nuclear Station, Unit No. 2; Indirect Transfer of Operating License

Notice is hereby given that the United States Nuclear Regulatory Commission (the Commission) is considering the issuance of an Order approving under 10 CFR 50.80 an application regarding an indirect transfer of the operating license for Nine Mile Point Nuclear Station, Unit No. 2 (NMP2), to the extent held by Rochester Gas and Electric Corporation (RG&E), and the operating license for the R. E. Ginna Nuclear Power Plant (Ginna). The indirect transfer would be to a holding company, not yet named, over RG&E in accordance with the ''Amended and Restated Settlement Agreement'' before the Public Service Commission of the State of New York dated October 23, 1997. RG&E is licensed by the Commission to own and possess a 14% interest in NMP2 and to wholly own and operate Ginna.

By application dated July 30, 1998, as supplemented August 18, 1998, and September 14, 1998, Paul C. Wilkens, Senior Vice President—Generation, of RG&E, informed the Commission that, subject to shareholder and regulatory approvals, RG&E is planning to implement corporate restructuring whereby RG&E would become a wholly owned subsidiary of a newly formed holding company. The common stock of RG&E would be exchanged on a share-for-share basis for common stock of the holding company such that the holding company would own all the outstanding common stock of RG&E. The holding company, and not RG&E, would be the owner of any non-utility subsidiaries engaged in unregulated business activities. RG&E would remain as an owner and licensee for possession of NMP2 and as the owner and operating licensee of Ginna. The transaction would not involve any change in either the management organization or technical personnel of Niagara Mohawk Power Corporation, which is responsible for operating and maintaining NMP2, or involve any change in RG&E's nuclear management or technical qualifications. Under this restructuring, RG&E would continue to be an ''electric utility'' as defined in 10 CFR 50.2 engaged in the transmission, distribution and the generation of electricity. No direct transfer of the operating licenses or ownership interests in NMP2 and Ginna will result from the proposed restructuring. The transaction would have no effect upon the financing of the RG&E nuclear facilities.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of the control of a license, after notice to interested persons. Such approval is contingent upon the Commission's determination that the holder of the license following the transfer is qualified to hold the license and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders of the Commission.

For further details with respect to this proposed action, see the RG&E application dated July 30, 1998, as supplemented August 18, 1998 and September 14, 1998. These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and the local public document rooms located at the Penfield Library, State University of New York, Oswego, New York 13126 and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Dated at Rockville, Maryland, this 16th day of October 1998.

Guy S. Vissing,

Senior Project Manager, Project Directorate I–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–28581 Filed 10–23–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–32176 License No. 15–27070–01 EA 98–124]

In the Matter of The Terracon Companies, Inc. Lenexa, Kansas; Order Imposing Civil Monetary Penalty

I

The Terracon Companies, Inc. (Terracon or the Licensee), is the holder of Materials License No. 15–27070–01, Amendment 7, issued by the Nuclear Regulatory Commission (NRC or Commission) on April 21, 1997. The license authorizes the Licensee to possess and utilize moisture/density gauges containing sealed sources in accordance with the conditions specified therein.

II

An inspection of the Licensee's activities was completed on February 26, 1998. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated May 15, 1998. The Notice stated the nature of the violation, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violation.

The Licensee responded to the Notice in an Answer to Notice of Violation and a Reply to Notice of Violation, both dated June 9, 1998. The Licensee states that the actions of the technician who caused the violation constituted ''careless disregard of security protocols by a properly trained individual who knowingly violated Terracon policies and NRC regulations,'' that Terracon had done all that was required by its license, and that the NRC's enforcement action should have been focused on the technician, not Terracon. Terracon also challenges the rationale for the proposed civil penalty as contradictory, in that the NRC gave Terracon credit for its corrective actions in assessing the civil penalty, but cited the need to prevent similar events from occurring.

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the violation occurred as stated and that the penalty proposed for the violation designated in the Notice should be imposed by Order.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *It is hereby ordered that:*

The Licensee pay a civil penalty in the amount of $2,750 within 30 days of the date of this Order, by check, draft, money order, or electronic transfer, payable to the Treasurer of the United States and mailed to James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738.

V

The Licensee may request a hearing within 30 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. A request for a hearing should be clearly marked as a ''Request for an Enforcement Hearing'' and shall be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Deputy Assistant General Counsel for Enforcement at the same address, and to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order (or if written approval of an extension of time in which to request a hearing has not been granted), the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issue to be considered at such hearing shall be:

Whether, on the basis of the violation admitted by the Licensee, this Order should be sustained.

Dated at Rockville, Maryland, this 19th day of October 1998.

For the Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

Attachment—Appendix

Appendix—Evaluation and Conclusion

On May 15, 1998, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for a violation identified during an NRC inspection. The Terracon Companies, Inc. (Terracon or the Licensee) responded to the Notice by an Answer to Notice of Violation and a reply to Notice of Violation, both dated June 9, 1998. In its responses, the Licensee admitted the violation, but protested the proposed civil penalty. The NRC's evaluation and conclusion regarding the Licensee's response are as follows:

Restatement of Violation

10 CFR 20.1802 states, in part, that the licensee shall control and maintain constant surveillance of licensed material that is in an unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, unrestricted area means an area to which access is neither limited nor controlled by the licensee.

Contrary to the above, on January 23, 1998, the licensee did not control and maintain constant surveillance of licensed material in an unrestricted area. Specifically, the licensee did not maintain adequate control or constant surveillance of a CPN Model MC1–DR portable nuclear moisture/density gauge containing a nominal 8-millicurie cesium-137 sealed source and a nominal 40-millicurie americium-241 sealed source. The licensee failed to secure a padlock on the gauge container, resulting in the theft of the gauge from a vehicle parked at a restaurant. (01013)

Summary of Licensee's Request for Mitigation

Terracon states that the actions of the technician who caused the violation constituted ''careless disregard of security protocols by a properly trained individual who knowingly violated Terracon policies