ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a NASA Advisory Council, Aeronautics and Space Transportation Technology Advisory Committee, Aviation Safety Reporting System Subcommittee meeting.

DATES: September 23, 1997, 2:00 p.m. to 5:30 p.m., September 24, 1997, 9:00 a.m. to 5:30 p.m., September 25, 1997, 9:00 a.m. to 5:30 p.m., and September 26, 1997, 9:00 to 5:30 p.m.

ADDRESSES: National Aeronautics and Space Administration, Ames Research Center, Building 219, Room 203, Moffet Field, CA 94035.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Connell, National Aeronautics and Space Administration, Ames Research Center, Moffet Field, CA 94035, 650/604–6654.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. Agenda topics for the meeting are as follows:

—Status Reports on the Aviation Safety Reporting System (ASRS) and the Aviation Performance Measuring System (APMS)
—Presentations on Future Planning
—Information Technology Demonstrations for the ASRS and APMS Programs

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitors register.

Dated: August 29, 1997.

Leslie M. Nolan,

Advisory Committee Management Officer.

[FR Doc. 97–23653 Filed 9–5–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL SKILL STANDARDS BOARD

Notice of Open Meeting

AGENCY: National Skill Standards Board.

ACTION: Notice of open meeting.

SUMMARY: The National Skill Standards Board was established by an Act of Congress, the National Skill Standards Act, Title V, Pub. L. 103–227. The 27-member National Skill Standards Board will serve as a catalyst and be responsible for the development and implementation of a national system of voluntary skill standards and certification through voluntary partnerships which have the full and balanced participation of business, industry, labor, education and other key groups.

TIME AND PLACE: The meeting will be held from 8:30 a.m. to approximately 3:30 p.m. on Friday, September 26, 1997, in Mount Vernon Salons A, B & C at the Madison Hotel located at 15th and M Streets, NW, Washington, D.C. 20005

AGENDA: The agenda for the Board Meeting will include: an update from the Board's committees, representatives from the groups convening the Voluntary Partnerships, and a preliminary report on how the Board and the American National Standards Institute intend to work together.

PUBLIC PARTICIPATION: The meeting, from 8:30 a.m. to 3:30 p.m., is open to the public. Seating is limited and will be available on a first-come, first-served basis. Seats will be reserved for the media. Individuals with disabilities should contact Pat Warfield at (202) 254–8628, if special accommodations are needed.

FOR FURTHER INFORMATION CONTACT: Tracy Marshall, Manager of Program Operations at (202) 254–8628.

Signed at Washington, D.C., this 29th day of August, 1997.

Edie West,

Executive Director, National Skill Standards Board.

[FR Doc. 97–23703 Filed 9–5–97; 8:45 am]

BILLING CODE 4510–23–M

NUCLEAR REGULATORY COMMISSION

[IA 97–068]

Order Superseding Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

I

Aharon Ben-Haim, Ph.D. (Dr. Ben-Haim), Medical Physicist, Upper Montclair, New Jersey, is a contractor consultant for Newark Medical Associates, P.A. (licensee), the holder of Byproduct Nuclear Material License No. 29–30282–01 (license) issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30. The license authorizes possession and use of any radiopharmaceutical identified in 10 CFR 35.200 for any imaging and localization procedure approved in 10 CFR 35.200. The license was originally issued on September 25, 1996, and is due to expire on September 30, 2001.

II

During a new license inspection conducted on January 29, 1997, at the licensee's facility, several apparent violations of NRC requirements were identified. Subsequent to the inspection, the NRC initiated an investigation which led the NRC to issue to Dr. Ben-Haim, on July 31, 1997, an Order Prohibiting Involvement in NRC Licensed Activities (Effective Immediately) Pending Further Order (62 FR 43357). That Order was issued pending completion of the NRC staff review of the results of the investigation, which was conducted by the NRC's Office of Investigations (OI). The NRC staff's review of the results of the OI investigation is now complete.

III

The OI investigation focused in part on Dr. Ben-Haim's actions in causing the licensee to be in violation of NRC requirements. The NRC learned during the investigation that Dr. Ben-Haim, in his capacity as a contractor-consultant to the licensee, had prepared the license application (NRC Form 313) dated February 21, 1996, for Newark Medical Associates, and that the license application was inaccurate in that it named Gerard W. Moskowitz, M.D., (Dr. Moskowitz) as the only authorized user and Radiation Safety Officer (RSO) without Dr. Moskowitz's consent or knowledge, and without Dr. Moskowitz's ever having been affiliated or associated with the licensee. Dr. Moskowitz did not ever perform the role of authorized user or RSO at the licensee's facility, and did not become aware that he was listed on the application and the license until notified by the NRC on February 6, 1997, more than four months after the license was originally issued. These inaccurate statements in the license application prepared by Dr. Ben-Haim, formed, in part, the basis for the issuance of the license to Newark Medical Associates on September 25, 1996.

During the period from November 1997 through February 6, 1997, Dr. Ben-Haim, in his role as contractor-consultant to the licensee, aided and assisted the licensee in continuing to conduct NRC-licensed activities even though the licensee did not employ the authorized user or the RSO named in the license application and, subsequently, on the NRC license, nor did the named individual serve in these capacities. Based on the results of the OI investigation, the NRC has determined that Dr. Ben-Haim's actions constitute

violations of 10 CFR 30.10, ''Deliberate misconduct'', as follows:

A. 10 CFR 30.10 (a)(1), (c)(1) and (c)(2) require, in part, that any contractor of a licensee not engage in deliberate misconduct that causes or, but for detection, would have caused, a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation of any license issued by the Commission; or any requirement, procedure, instruction, contract, purchase order or policy of a licensee.

1. 10 CFR 35.21 requires that a licensee appoint a Radiation Safety Officer responsible for implementing the radiation safety program; and requires that the licensee, through the Radiation Safety Officer, ensure that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operation of the licensee's byproduct material program.

10 CFR 35.13 requires that a licensee apply for and receive a license amendment before it changes Radiation Safety Officers.

Byproduct Material License No. 29–30282–01, Condition 12, dated September 25, 1996 states that the Radiation Safety Officer for this License is Gerard W. Moskowitz, M.D.

During the period from November 1996 through February 6, 1997, Dr. Ben-Haim caused Newark Medical Associates to be in violation of the requirements in Section III.A.1 above by performing the functions of the Radiation Safety Officer (RSO), even though he knew that: (1) The RSO named on the license application and, subsequently, on the license, was Gerard Moskowitz, M.D., and (2) he, Dr. Ben-Haim, was not the RSO named on the license application or the license.

2. 10 CFR 35.11 (a) and (b) permit an individual to use licensed material for medical use only in accordance with a specific license issued by the Commission or under the supervision of an authorized user as provided in 10 CFR 35.25.

10 CFR 35.53(c)(3) requires, in part, that the licensee retain a record of the measurement of each dosage of a photon-emitting radionuclide prior to medical use to include, among other things, the prescribed dosage. Pursuant to 10 CFR 35.2: *Prescribed dosage* means the quantity of radiopharmaceutical activity as documented in a written directive or diagnostic clinical procedures manual or in any appropriate record in accordance with the directions of the authorized user; *Written directive* means an order in writing for a specific patient dated and signed by an authorized user; *Diagnostic clinical procedures manual* means a collection of written procedures that includes, among other things, where each diagnostic procedure has been approved by the authorized user and the radiopharmaceutical, dosage, and route of administration; and *Authorized user* means a physician, dentist, or podiatrist who is (1) Board certified by at least one of the boards listed in Paragraph (a) of 10 CFR Part 35, sections 35.910, 35.920, 35.930, 35.940, 35.950, or 35.960, (2) identified as an authorized user on a Commission or Agreement State license that authorizes the medical use of byproduct material, or (3) identified as an authorized user on a permit issued by a Commission or Agreement State specific license of broad scope that is authorized to permit the medical use of byproduct material.

Byproduct Material License No. 29–30282–01, dated September 25, 1996, states in Condition 13, that licensed material is only authorized for use by, or under the supervision of, Gerard W. Moskowitz, M.D.

Byproduct Material License No. 29–30282–01, dated September 25, 1996, requires in part, in Condition 14, that the licensee conduct its program in accordance with the statements, representations, and procedures contained in the Application dated February 21, 1996. This application, which was prepared by Dr. Ben-Haim, requires, in Item 10.6, ''Ordering and Receiving'', that the licensee follow procedures in Appendix K to Regulatory Guide 10.8, Revision 2. The procedures in Appendix K require, in part, that the Radiation Safety Officer or a designee must authorize each order for radioactive materials and ensure that the requested materials and quantities are authorized by the license for use by the requesting authorized user.

During the period from November 1996 through February 6, 1997, Aharon Ben-Haim, who is not a physician, caused Newark Medical Associates to be in violation of the requirements in Section III.A.2 above by prescribing, in writing, the radiopharmaceuticals and dosages to be ordered and administered to patients by technologists for bone scans and cardiac images (which are medical uses), even though he knew that: (1) He was not an authorized user nor under the supervision of an authorized user; (2) he had prepared the Newark Medical Associates license application to specify the name of Gerard Moskowitz as the sole physician authorized user and Radiation Safety Officer; (3) Gerard Moskowitz, as the sole physician user named on the license, was the only individual who could prescribe a radiopharmaceutical and dosage for a technologist to administer to a patient; and (4) Gerard Moskowitz, as the Radiation Safety Officer named on the license, was the only individual who could authorize, or delegate to a technologist the authority to authorize, each order of byproduct material for medical use.

IV

Based on the above, the NRC staff has concluded that Dr. Ben-Haim, acting as a contractor consultant to the licensee, deliberately caused the licensee to be in violation of NRC requirements by the licensee's conducting licensed activities without the authorized user or RSO named on the license application and on the NRC license. The NRC must be able to rely on the licensee and its contractors to comply with NRC requirements. Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and safety of the public, including patients receiving radiation from byproduct material for medical purposes, will be protected if Dr. Ben-Haim is permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Dr. Ben-Haim be prohibited from any involvement in NRC-licensed activities for a period of five years. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Dr. Ben-Haim's conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

V

Accordingly, pursuant to sections 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR 30.10, Part 35, and 10 CFR 150.20, *It Is Hereby Ordered That, Effective Immediately,*

1. The Order of July 31, 1997, is superseded, in its entirely.

2. Dr. Ben-Haim is prohibited from engaging in NRC-licensed activities for a period of five years from July 31, 1997. This prohibition applies to Dr. Ben-Haim as an officer, employee, contractor, consultant, or other agent of a licensee and includes, but is not limited to: (1) Any use of NRC-licensed materials; (2) supervising licensed activities, including (but not limited to) hiring of individuals engaged in licensed activities or directing or managing individuals engaged in licensed activities; (3) any involvement in radiation safety activities including (but not limited to) functions of the

Radiation Safety Officer; and (4) development of license applications, procedures, and policies to meet license requirements, providing training to meet license requirements, and providing professional services to meet license requirements. NRC-licensed activities are those activities that are conducted pursuant to a specific or general NRC license, including, but not limited to, those activities of Agreement State licensees conducted in areas of NRC jurisdiction pursuant to the authority granted by 10 CFR 150.20.

3. For those facilities, other than Newark Medical Associates, P.A., where Dr. Ben-Haim was involved in NRC-licensed activities as of July 31, 1997, Dr. Ben-Haim must: (1) Immediately cease such activities; (2) inform the NRC of the name, address and telephone number of the NRC-licensed entities where the activities were being conducted; and (3) provide a copy of this order to all such NRC-licensed entities within five business days of any ruling by an NRC Atomic Safety and Licensing Board upholding the immediate effectiveness of this requirement of this Order or, if Dr. Ben-Haim does not challenge the immediate effectiveness of this Order, within five business days of the termination of the time to request a hearing in Section VI of this Order.

4. For those facilities, other than Newark Medical Associates, P.A., where Dr. Ben-Haim was involved in NRC-licensed activities for the period beginning three years prior to the date of this Order, Dr. Ben-Haim must, within 30 days of the date of this Order, inform the NRC of the name, address and telephone number of the NRC-licensed entities where those activities were conducted.

5. For the five years immediately following the five year prohibition in paragraph V.2, the first time that Dr. Ben-Haim is employed or involved in NRC-licensed activities following the five year prohibition, he shall notify the Director, Office of Enforcement, at the address in Section VI below, within 20 days of engaging in NRC-licensed activities, including activities under an Agreement State license when activities under that license are conducted in areas of NRC jurisdiction pursuant to 10 CFR 150.20. This notice shall include the name, address, and telephone number of the NRC or Agreement State licensee and the location where licensed activities will be performed; and shall include a statement as to why the NRC should have confidence that Dr. Ben-Haim will not, in the future, commit deliberate violations of Commission requirements.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by the licensee of good cause.

VI

In accordance with 10 CFR 2.202, Dr. Ben-Haim must, and any other person adversely affected by this Order may, submit an answer to this Order and may request a hearing on this Order, on or before September 19, 1997. 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, D.C. 20555, and include a statement of good cause for the extension. Dr. Ben-Haim may consent to this Order. Unless Dr. Ben-Haim consents to this Order, Dr. Ben-Haim shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Dr. Ben-Haim or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Atomic Safety and Licensing Board appointed to preside in this proceeding. Copies shall also be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, and to Dr. Ben-Haim if the answer or hearing request is by a person other than Dr. Ben-Haim. If a person other than Dr. Ben-Haim requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Dr. Ben-Haim or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Dr. Ben-Haim may, in addition to demanding a hearing, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error. The Atomic Safety and Licensing Board designated to preside in the proceeding on the Order of July 31, 1997, has already granted a joint motion in which it set September 3, 1997, as the date by which Dr. Ben-Haim should move to set aside the immediate effectiveness of this Order.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final on September 19, 1997, without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. *An Answer or a Request for Hearing Shall Not Stay the Immediate Effectiveness of this Order.*

Dated at Rockville, Maryland this 27th day of August 1997.

For the Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

[FR Doc. 97–23695 Filed 9–5–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Import/ Export Nuclear Waste

Pursuant to 10 CFR 110.70(b) ''Public notice of receipt of an application'', please take notice that the Nuclear Regulatory Commission has received the following applications for licenses to import and export radioactive waste materials. Copies of the applications are on file in the Nuclear Regulatory Commission's Public Document Room located at 2120 L Street, N.W., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington D.C. 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; and the Executive Secretary, U.S. Department of State, Washington, D.C. 20520.

The information concerning the application follows.

NRC Import and Export License Applications