• Should there be a higher fee for works made for hire?

3. The Office did not suggest different fees for different classes or types of works. Instead for administrative efficiency and cost concerns, it suggested the same fee for all classes and types of works (except serials). Do you agree with this decision? If not, how would you recommend structuring the fees and why?

4. Are there other practical alternatives for fee increases that will allow the Office to recover its reasonable costs?

5. Based on the fees proposed in Schedule I, who is unlikely to register? Based on the fees proposed in Schedule II, who is unlikely to register?

6. In assessing fees for the registration and related services detailed in the schedules set out above, the Office concluded that certain costs should be recovered through appropriations. It also distinguished between direct and indirect costs in assessing what costs should be recovered. Do you agree with the Office's exclusion of such costs in assessing fees for registration and related services? If not, why not?

7. Are any of the specified fees too high? If so, why?

Dated: August 6, 1998.

Marybeth Peters,

Register of Copyrights.

Approved By:

James H. Billington,

The Librarian of Congress.

[FR Doc. 98–21738 Filed 8–12–98; 8:45 am]

BILLING CODE 1410–30–P

NUCLEAR REGULATORY COMMISSION

[IA 98–024]

Leland H. Brooks; Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

I

Leland H. Brooks was an employee of Westinghouse a contractor to Pacific Gas & Electric Company (PG&E) at the Diablo Canyon Nuclear Power Plant (Diablo Canyon). PG&E holds NRC license Nos. DPR–80 and DPR–82, issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50. The licenses authorize the operation of Units 1 and 2 of the Diablo Canyon facility in accordance with the conditions specified therein.

II

On April 16, 1997, Mr. Brooks, a millwright, was granted temporary unescorted access to Diablo Canyon as an employee of Westinghouse. PG&E terminated Mr. Brooks access to Diablo Canyon on May 21, 1997, upon completion of the work Mr. Brooks was hired to perform. PG&E's decision to grant Mr. Brooks unescorted access was based on the information Mr. Brooks provided in a signed Personnel Access Questionnaire dated April 7, 1997, including information Mr. Brooks provided about his arrest record. In addition to requesting information about any arrests, this questionnaire clearly stated, ''For all arrests and/or convictions that occurred in the last five years, a copy of your court orders must be provided with this application.'' Mr. Brooks wrote ''None'' next to this statement. On July 22, 1997, approximately two months after Mr. Brooks' access to Diablo Canyon had been terminated, PG&E received information from the Federal Bureau of Investigation (FBI) which indicated that Mr. Brooks had failed to inform PG&E of several arrests and convictions, including a 1995 felony charge which was still pending. PG&E conducted an investigation and determined that Mr. Brooks knowingly withheld and/or falsified information on the Personnel Access Questionnaire. On August 6, 1997, PG&E issued Mr. Brooks a letter informing Mr. Brooks of this conclusion and denying Mr. Brooks future access to Diablo Canyon.

The deliberately false information that Mr. Brooks provided to the licensee, as well as the failure to provide copies of the required court records, were violations of 10 CFR 50.5, ''Deliberate Misconduct.'' Specifically, Section 50.5(a)(2) provides, in part, that an employee of a contractor to a licensee may not deliberately submit to a licensee information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC. The false and incomplete information that Mr. Brooks submitted was material because PG&E is required to consider criminal history in making a determination as to whether to grant unescorted access in accordance with 10 CFR 73.56.

On April 27, 1998, the NRC issued a letter to Mr. Brooks, informing Mr. Brooks that the NRC was considering escalated enforcement action against him and providing Mr. Brooks a choice of requesting a predecisional enforcement conference or submitting a written response. Although Mr. Brooks telephoned the NRC regional office and stated that he didn't recall ever working at the Diablo Canyon nuclear power plant, he has not submitted a written response or requested a predecisional enforcement conference, and he has not provided any evidence to support his claim. The NRC's letter to Mr. Brooks informed him that in the absence of a response, we would proceed with enforcement action.

Based on the above, the NRC has concluded that Mr. Brooks engaged in deliberate misconduct by deliberately omitting criminal history information when completing a Personnel Access Questionnaire to gain unescorted access to the Diablo Canyon nuclear power plants. The NRC must be able to rely on employees of licensees and their contractors to comply with NRC requirements, including the requirement to provide information that is complete and accurate in all material respects. Mr. Brooks' action in deliberately providing false information to the licensee raises serious doubt about his trustworthiness and reliability and particularly whether he can be relied upon to comply with NRC requirements and to provide complete and accurate information to NRC licensees in the future.

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 would be protected if Mr. Brooks were permitted to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Mr. Brooks be prohibited from any involvement in NRC-licensed activities for a period of five years from the date of this Order. Additionally, Mr. Brooks is required to notify the NRC of his first employment in NRC-licensed activities for the five year period after the above prohibition period. Furthermore, pursuant to 10 CFR 2.202, based on the significance of Mr. Brooks' conduct described above and the fact that he could seek and obtain employment and unescorted access at other nuclear facilities, and engage in licensed activities before his criminal history became known to the licensee, I find that the public health, safety and interest require that this Order be effective immediately.

IV

Accordingly, pursuant to Sections 103, 161b, 161i, 161o, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR Part 50.5, and 10 CFR 150.20, *It is hereby ordered, effective immediately, that:*

1. Leland H. Brooks is prohibited for five years from the date of this order from engaging in NRC licensed activities. NRC-licensed activities are those that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.

2. If Leland H. Brooks is currently involved with another employer in NRC-licensed activities, he must immediately cease such activities, and inform the NRC of the name, address and telephone number of the employer, and provide a copy of this Order to the employer.

3. For the five-year period after the above prohibition period has expired, Mr. Brooks shall notify the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, within 20 days of the first time he accepts an offer for employment in NRC-licensed activities, as defined in Paragraph IV.1 above. In the notification, he will include a statement of his commitment to comply with regulatory requirements and address why the NRC should have confidence that he will comply with regulatory requirements, and the name, address and telephone number of his employer or entity where he will be involved in licensed activities.

The Director, Office of Enforcement, may relax or rescind, in writing, any of the above conditions upon a showing by Mr. Brooks of good cause.

V

In accordance with 10 CFR 2.202, Mr. Brooks 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 within 20 days of its issuance. 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. The answer may consent to this Order. Unless the answer consents to this Order, the answer 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 Mr. Brooks, or any other such 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 Secretary, U.S. Nuclear Regulatory Commission, *Attn.*: Chief, Rulemaking and Adjudications Staff, Washington, D.C. 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Deputy Assistant General Counsel for Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and to Mr. Brooks if the answer or hearing request is by a person other than Mr. Brooks. If a person other than Mr. Brooks 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 Mr. Brooks 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)I Mr. Brooks may, in addition to demanding a hearing, at the time the answer is filed or sooner, 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.

In the absence of any request for a 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 20 days from the date of this Order 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 24th day of July 1998.

For the Nuclear Regulatory Commission.

William D. Travers,

Deputy Executive Director for Regulatory Effectiveness.

[FR Doc. 98–21759 Filed 8–12–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 410]

Niagara Mohawk Power Corporation; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–69 issued to Niagara Mohawk Power Corporation (the licensee) for operation of the Nine Mile Point Nuclear Station, Unit 1, located in Oswego County, New York.

The proposed amendment would change Technical Specification (TS) 3/4.2.3 regarding reactor coolant chemistry in accordance with a report by Electrical Power Research Institute, Inc. (EPRI) TR–103515–R1, ''BWR Water Chemistry Guidelines, 1996 Revision,'' also known as Boiling Water Reactor Vessel and Internals Project (BWRVIP)–29. Specifically, the amendment would define new conductivity limits in TS 3.2.3a (when reactor coolant is 200 degrees F or more and reactor thermal power is no more that 10%), and in TS 3.2.3b (when reactor thermal power exceeds 10%). The new conductivity limits would be 1 micro-mho/cm, which is less than the existing limits of 2 micro-mho/cm and 5 micro-mho/cm. The chloride ion limit in TS 3.2.3a, 0.1 ppm, would remain at this value but would be designated as 100 ppb. The chloride ion limit in TS 3.2.3b would be changed from 0.2 ppm to 20 ppb. Sulfate ion limits would be added to TS 3.2.3a and TS 3.2.3b at 100 ppb and 20 ppb, respectively. The proposed change to TS 3.2.3a would require that the reactor coolant water shall not exceed these new limits specified in TS 3.2.3a for conductivity, chloride ion, or sulfate ion for more than 24 hours when the coolant temperature is equal to or greater than 200 degrees F and the reactor thermal power is no more than 10 percent, or a shutdown shall be initiated within 1 hour and the reactor shall be shutdown and reactor coolant temperature reduced to below 200 degrees F within 10 hours. Similarly, TS 3.2.3b would require that the reactor coolant water not exceed the new limits specified in TS 3.2.3b for more than 24 hours when reactor thermal power exceeds 10 percent, or a shutdown shall be initiated within 1 hour and the reactor shall be shutdown and reactor coolant temperature reduced to less than 200 degrees F within 10 hours. TS