11. Consider and act on delegation to the Board Chair of authority to establish a panel and appointment the membership thereof to study and report back to the board on an issue relating to LSC grantees' representation of H–2A Workers.

12. Consider and act on renewal of John McKay's contract of employment as President of the Corporation.

13. Consider and act on President McKay's recommendation of Karen Sarjeant for appointment to the office of Vice President for Programs.

Closed Session

14. Briefing [1] by the Inspector General on the activities of the OIG.

15. Consider and act on the General Counsel's report on potential and pending litigation involving the Corporation.

Open Session

16. Public comment.

17. Consider and act on other business.

Contact Person for Information: Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special Needs

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Shannon Nicko Adaway, at (202) 336–8810.

Dated: November 2, 1998.

Victor M. Fortuno,

General Counsel.

[FR Doc. 98–30003 Filed 11–4–98; 3:41 pm]

BILLING CODE 7050–01–U

[1] Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term ''meeting'' and, therefore, the requirements of the Sunshine Act do not apply to any such portion of the closed session. 5 U.S.C. 552(b)(a)(2) and (b). See also 45 CFR §§ 1622.2 & 1622.3.

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Civil and Mechanical Systems; 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 Civil and Mechanical Systems (1205).

Date and Time: November 20, 1998; 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 580, Arlington, VA.

Contact person: Dr. Clifford Astill, Program Director, Hazard Reduction Program Cluster, Division of Civil and Mechanical Systems, Room 545, NSF, 4201 Wilson Blvdlk Arlington, VA 22230 703/306–1316.

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

Agenda: To review and evaluate Siting and Geotechnical Systems proposals 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 Sunshine Act.

Dated: November 2, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–29710 Filed 11–5–98; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 30–16055–ML; ASLBP No. 99–756–01–ML]

Advanced Medical Systems; Designation of Presiding Officer

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.1207 of the Commission's Regulations, a single member of the Atomic Safety and Licensing Board Panel is hereby designated to rule on requests for hearing and/or petitions to intervene, and, if necessary, to serve as the Presiding Officer to conduct an informal adjudicatory hearing in the following proceeding.

Advanced Medical Systems

[Denial of Materials License]

The hearing, if granted, will be conducted pursuant to 10 CFR part 2 Subpart L of the Commission's Regulations, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings.'' This proceeding is established as a result of the petitioner, Advanced Medical Systems, requesting a hearing on October 15, 1998, in response to an NRC letter dated September 28, 1998. The letter informs Advanced Medical Systems that its application for renewal of its license to possess and use nuclear materials has been denied due to a finding of the NRC Staff that it lacked the requisite financial assurance necessary for decommissioning the facility.

The Presiding Officer in this proceeding is Administrative Judge B. Paul Cotter, Jr. Pursuant to the provisions of 10 CFR 2.722, the Presiding Officer has appointed Administrative Judge Thomas D. Murphy to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents and other materials shall be filed with Judge Cotter and Judge Murphy in accordance with 10 CFR 2.701. Their addresses are:

Administrative Judge B. Paul Cotter, Jr., Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Thomas D. Murphy, Special Assistant, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Issued at Rockville, Maryland, this 28th day of October 1998.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 98–29785 Filed 11–5–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Dockets 72–1008 and 72–1014]

Holtec International; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Request for Exemption From Certain Regulatory Requirements

By letter dated August 3, 1998, as supplemented on September 4, 1998, Holtec International (Holtec or applicant) requested an exemption, pursuant to 10 CFR 72.7, from the requirements of 10 CFR 72.234(c). Holtec, located in Marlton, New Jersey, is seeking Nuclear Regulatory Commission (NRC or the Commission) approval to procure materials for four MPC–68 canisters, four HI–STAR 100 overpacks, four HI–STORM 100 overpacks and one HI–TRAC transfer cask (for use with the HI–STORM 100 system) prior to receipt of Certificates of Compliance (CoCs) for either the HI–STAR or the HI–STORM cask systems.

In addition, Holtec seeks an exemption to authorize fabrication of four MPC–68 canisters and four HI–STAR 100 overpacks. Together, the MPC–68 canisters and the overpacks are one configuration of the HI–STAR 100 cask system. The casks are intended for use under the general license provisions of Subpart K of 10 CFR Part 72 by Southern Nuclear Operating Company (Southern Nuclear) at the Hatch Nuclear Station (Hatch) in southern Georgia.

Separately, the staff is considering issuance of an exemption from the requirements of 10 CFR 72.124(b) which states, in part, that: ''Where solid neutron absorbing materials are used, the design shall provide for positive means to verify their continued efficacy.'' Specifically, the staff is considering granting an exemption from the requirement to verify continued efficacy of neutron absorbing materials.

Environmental Assessment (EA)

Identification of Proposed Action

By letter dated October 23, 1995, as supplemented, and pursuant to 10 CFR Part 72, Holtec submitted an application to NRC for a CoC for the HI–STAR 100 cask system. Separately, on the same date, Holtec submitted an application for a CoC for the HI–STORM cask system which includes the HI–TRAC transfer cask. These applications are currently under consideration by the NRC staff. The applicant is seeking Commission approval to procure materials for four MPC–68 canisters, four HI–STAR 100 overpacks, four HI–STORM 100 overpacks, and one HI–TRAC transfer cask prior to the Commission's issuance of CoCs for either the HI–STAR or the HI–STORM cask systems. In addition, Holtec seeks an exemption to authorize fabrication of four MPC–68 canisters and four HI–STAR 100 overpacks. Together, the MPC–68 canisters and the overpacks are one configuration of the HI–STAR 100 cask system. The casks are intended for use under the general license provisions of Subpart K of 10 CFR Part 72 by Southern Nuclear at Hatch in southern Georgia. The applicant requests an exemption from the requirements of 10 CFR 72.234(c), which state that ''Fabrication of casks under the Certificate of Compliance must not start prior to receipt of the Certificate of Compliance for the cask model.''

As stated above, the staff is also considering issuance of an exemption from the requirements of 10 CFR 72.124(b) which states, in part, that: ''Where solid neutron absorbing materials are used, the design shall provide for positive means to verify their continued efficacy.'' Specifically, the staff is considering granting an exemption from the requirement to verify continued efficacy of neutron absorbing materials.

The proposed action before the Commission is whether to approve procurement of the materials and whether to grant these exemptions pursuant to 10 CFR 72.7.

Need for the Proposed Action

Holtec requested the exemption to 10 CFR 72.234(c) to ensure the availability of storage casks so that Southern Nuclear can maintain full core off-load capability at Hatch. Hatch Unit 1 will lose full core off-load capability in August 2000. Hatch has proposed an initial cask loading in September 2000. To support training and dry runs prior to the initial loading, Southern Nuclear requests the delivery of the first cask by February 2000. Holtec states that to meet this schedule, purchase of cask components must begin promptly and fabrication must begin by November 1998.

The HI–STAR 100 and HI–STORM applications, dated October 23, 1995, are under consideration by the Commission. It is anticipated that, if approved, the HI–STAR 100 CoC may be issued in late 1999 and the HI–STORM 100 by Summer of 2000. Southern Nuclear's preferred storage cask for Hatch is the HI–STORM, but Southern Nuclear is willing to use the HI–STAR 100, if the HI–STORM is not available when needed. Therefore, in recognition of the schedular differences in the certification process for the two cask systems, Holtec is requesting approval for procurement of materials for the interchangeable MPC–68 as well as for the HI–STAR, HI–STORM, and HI–TRAC. In its request, however, Holtec confirms that its current plans are only to fabricate four HI–STAR units. The proposed procurement and fabrication exemption will not authorize use of any Holtec cask to store spent fuel. That will occur only when, and if, a CoC is issued. NRC approval of the procurement and granting of the fabrication exemption request should not be construed as an NRC commitment to favorably consider any Holtec application for a CoC. Holtec will bear the risk of all activities conducted under the exemption, including the risk that the four casks Holtec plans to construct may not be usable because they may not meet specifications or conditions placed in a CoC that NRC may ultimately approve.

The exemption to 10 CFR 72.124(b) is necessary to ensure that the certification process for the HI–STAR, HI–STORM, and HI–TRAC casks takes into account previous staff conclusions that fixed neutron poisons in the similar storage casks will remain effective over the 20-year period of the license. Periodic verification of neutron poison effectiveness is not possible for these Holtec casks and, consistent with the staff's conclusion described above, is not necessary.

Environmental Impacts of the Proposed Action

Regarding the procurement approval and fabrication exemption, the Environmental Assessment for the final rule, ''Storage of Spent Nuclear Fuel in NRC-Approved Storage Casks at Nuclear Power Reactor Sites'' (55 FR 29181 (1990)), considered the potential environmental impacts of casks which are used to store spent fuel under a CoC and concluded that there would be no significant environmental impacts. The proposed action now under consideration would not permit use of the casks, but only procurement and fabrication. There are no radiological environmental impacts from procurement or fabrication since cask material procurement and cask fabrication do not involve radioactive materials. The major non-radiological environmental impacts involve use of natural resources due to cask fabrication. Each MPC–68 canister weighs approximately 44 tons and is made of steel. Each HI–STAR 100 overpack weighs approximately 77 tons and is fabricated mainly from steel. Each HI–STORM overpack weighs approximately 100 tons and is constructed of metal and concrete. The HI–TRAC transfer cask weighs approximately 125 tons and is made of structural steel and lead. The amount of materials required to fabricate these casks is expected to have very little impact on the associated industry. Fabrication of the metal components would be at a metal fabrication facility, not at the reactor site. While fabrication of the concrete overpacks is not contemplated at this time, it should be noted that concrete overpacks would be partially fabricated at the same fabrication facility, with only the concrete pours being done at the reactor. Fabrication of these casks is insignificant compared to the amount of metal and concrete fabrication performed annually in the United States. If the casks are not usable, the casks could be disposed of or recycled. The amount of material disposed of is insignificant compared to the amount of steel and concrete that is disposed of annually in the United States. Based upon this information, the fabrication of

these casks will have no significant impact on the environment since no radioactive materials are involved, and the amount of natural resources used is minimal.

Regarding the second exemption, in NRC's September 30, 1998, draft safety evaluation of the HI–STAR 100 cask Topical Safety Analysis Report, the NRC staff concluded that fixed neutron poisons in the HI–STAR 100 cask will remain effective for the 20-year storage period. The staff concluded that the criticality design for the HI–STAR 100 cask is based on favorable geometry and fixed neutron poisons. An appraisal of the fixed neutron poisons has shown that they will remain effective for the 20-year storage period. In addition, the staff concluded that there is no credible way to lose the fixed neutron poisons; therefore, there is no need to provide a positive means to verify their continued efficacy as required by 10 CFR 72.124(b).

Consistent with the staff conclusions in the safety evaluation, the applicant did not propose any verification of the continued efficacy of the HI-STAR 100 cask's neutron absorber.

Alternative to the Proposed Action

Since there is no significant environmental impact associated with the proposed actions, any alternatives with equal or greater environmental impact are not evaluated. The alternative to the proposed actions would be: (a) to deny approval of the exemption and, therefore, not allow cask fabrication until a CoC is issued and (b) to deny approval of the exemption and, therefore, not allow elimination of the requirement to verify the continued efficacy of neutron absorbing materials. These alternatives would have the same, or greater, environmental impacts.

Given that there are no significant differences in environmental impacts between the proposed action and the alternatives considered and that the applicant has a legitimate need to procure materials and fabricate the casks prior to certification and is willing to assume the risk that any fabricated casks may not be approved or may require modification, the Commission concludes that the preferred alternative is to approve the procurement request and grant the exemption from the prohibition on fabrication prior to receipt of a CoC. Similarly, the Commission concludes that since there is no significant difference in the environmental impacts between the proposed action and the alternatives for the elimination of the requirement to verify the continued efficacy of neutron absorbing materials, the Commission concludes that the preferred alternative is to grant that exemption.

Agencies and Persons Consulted

An official from the State of Georgia Department of Environmental Protection was contacted about the EA for the proposed action and had no concerns.

Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR Part 51. Based upon the foregoing EA, the Commission finds that the proposed action of (1) approving procurement of materials for four MPC–68 canisters, four HI-STAR 100 overpacks, four HI-STORM 100 overpacks, and one HI-TRAC transfer cask, and granting an exemption from 10 CFR 72.234(c) so that Holtec may fabricate four MPC–68 canisters and four HI-STAR 100 overpacks prior to issuance of a CoC will not significantly impact the quality of the human environment and, (2) granting an exemption from 10 CFR 72.124(b) so that Holtec need not verify the continued efficacy of the neutron absorbing material in storage casks will not significantly impact the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemptions.

The request for the exemption to 10 CFR 234(c) was filed on August 3, 1998, and supplemented on September 4, 1998. For further details with respect to this action, see the applications for CoC for the HI-STAR 100 and HI-STORM 100 cask systems, both dated October 23, 1995. On September 30, 1998, a preliminary Safety Evaluation Report and a proposed CoC for the HI-STAR 100 cask system were issued by the NRC staff to initiate the rulemaking process. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, DC 20555.

Dated at Rockville, Maryland, this 28th day of October 1998.

For the Nuclear Regulatory Commission.

William F. Kane,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 98–29787 Filed 11–5–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–458; License No. NPF–47]

Entergy Operations, Inc.; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by Petition dated September 25, 1998, David A. Lochbaum (Petitioner), acting on behalf of the Union of Concerned Scientists (UCS), has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to the River Bend Station (RBS), operated by Entergy Operations, Incorporated. Petitioner requests that enforcement action be taken to require an immediate shutdown of the RBS, and that the facility remain shut down until all failed fuel assemblies are removed from the reactor core. As an alternate action, UCS also stated that following the requested shutdown, RBS could be restarted after its design and licensing bases were updated to permit operation with failed fuel assemblies. Additionally, the Petition requested a public hearing to present new plant-specific information regarding the operation of RBS, as well as to discuss a UCS report dated April 2, 1998, entitled ''Potential Nuclear Safety Hazard/Reactor Operation With Failed Fuel Cladding.''

As the basis for the request, examples were cited in the Petition (summarized below) where, in the Petitioner's opinion, the RBS Updated Safety Analysis Report (USAR) does not allow for operation with pre-existing fuel failures:

(1) Integrity of the fuel barrier is an explicit criterion in addition to radiation requirements, and RBS is violating ''the spirit, if not the letter, of [USAR Section 15A, Table 15A.2–4] Criterion 4–2 since the fuel barrier has already failed, albeit to a limited extent.''

(2) The USAR description for six design-bases events includes either the statement that the fuel barrier maintains its ''integrity and functions as designed,'' or that ''no radioactive material is released from the fuel,'' as a consequence of the event. It is the Petitioner's view that the analyses associated with these events ''appear[s] valid only when the River Bend Station is operated with no failed fuel assemblies.''

The Petitioner further reasserted the UCS position that nuclear power plants operating with fuel cladding failures were potentially unsafe and were in violation of Federal regulations. In its April 1998 report, the UCS stated that it has not been demonstrated that the effects from design-bases transients and accidents (i.e., hydrodynamic loads, fuel enthalpy changes, etc.) prevent pre-