ongoing Procurement Initiatives, some of which include the following:

Consolidated Contracting Initiative

The CCI initiative emphasizes developing, using, and sharing contract resources to meet Agency objectives.

Single Process Intiative/Block Changes

The purpose of the Single Process Initiative/Block changes is to eliminate duplicative, highly-tailored or customer-unique requirements from contacts and adopt instead, a single process proposed by the contractor.

Contractor Performance Assessment Program

The Contractor Performance Assessment Program assesses the overall performance of NASA's top contractors across all of their major NASA contracts.

Performance Based Contracting

This initiative is focused on structuring an acquisition around the purpose of the work to be performed instead of how the work is to be performed or broad and imprecise statements of work.

Electronic Contracting

NASA's EC initiative is moving procurement transactions from traditional paper-based systems to electronic processing whenever possible. These transactions include solicitation and award documents as well as payment for our goods and services.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

[FR Doc. 97–25100 Filed 9–19–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

SES Performance Review Board

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of members of the Performance Review Board for the National Endowment for the Arts. This notice supersedes all previous notices of the PRB membership of the Agency.

DATES: September 22, 1997.

FOR FURTHER INFORMATION CONTACT: Maxine C. Jefferson, Director of Human Resources, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Room 627, Washington, DC 20506, (202) 682–5405.

SUPPLEMENTARY INFORMATION: Sec. 4314(c)(1) through (5) of Title 5, USC, requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES Performance Review Boards. The Board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any response by the senior executive, and make recommendations to the appointing authority relative to the performance of the senior executive.

The following persons have been selected to serve on the Performance Review Board of the National Endowment for the Arts:

Ana M. Steele, Deputy Chairman for Management and Budget
Laurence M. Baden, Director of Administration
Scott Shanklin Peterson, Deputy Chairman for Grants and Partnership
Alfred B. Spellman, Jr., Director of Office of Guidelines and Panel Operations

Maxine C. Jefferson,

Director of Human Resources, National Endowment for the Arts.

[FR Doc. 97–25062 Filed 9–19–97; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[IA 97–070]

In the Matter of Magdy Elamir, Newark, New Jersey; Order Superseding Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

I

Magdy Elamir, M.D. (Dr. Elamir), is the Owner/President of Newark Medical Associates, P.A. (licensee). The licensee holds 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. Elamir, on July 31, 1997, an Order Prohibiting Involvement in NRC Licensed Activities (Effective Immediately) Pending Further Order (62 FR 43360). 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. Elamir's actions in causing the licensee to be in violation of NRC requirements. The NRC learned during the investigation that Dr. Elamir transmitted an inaccurate license application (NRC Form 313, dated February 21, 1996) to the NRC. The license application named Newark Medical Associates as the prospective licensee. 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 submitted by Dr. Elamir, formed, in part, the basis for the issuance of the license to Newark Medical Associates on September 25, 1996.

On October 17, 1996, Dr Elamir notified the NRC by letter that Newark Medical Associates was initiating activities authorized by the license; and during the period from November 1996 through February 6, 1997, Dr. Elamir, in his capacity as president and owner of Newark Medical Associates, caused and permitted the licensee to conduct NRC-licensed activities even though he knew that the licensee did not employ the authorized user or the RSO named in the license application and, subsequently, on the NRC license, and that the named individual did not serve in these capacities. Based on the results of the OI investigation, the NRC has determined that Dr. Elamir's actions constitute violations of the Commission's requirements as follows:

A. 10 CFR 30.10(a)(2) requires, in part, that any licensee or employee of a licensee may not deliberately submit to

the NRC information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.

During a February 6, 1997 telephone conversation between Dr. Elamir and an NRC inspector, Dr. Elamir stated to the NRC inspector that the Newark Medical Associates license was current with respect to the authorized user and RSO even though Dr. Elamir knew that the individual named on the license as the authorized user and RSO was not performing those duties and was not ever affiliated with the licensee in any capacity. This inaccurate statement was material because it had the ability to influence an NRC inspection.

B. 10 CFR 30.10 (a)(1), (c)(1), and (c)(2) require, in part, that any licensee or employee of a licensee not engage in deliberate misconduct that causes or, but for detection, would have caused a licensee to be in violation of: (1) Any rule, regulation, or order, or any term, condition, or limitation of any license issued by the Commission; or (2) 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.

On October 17, 1996, Dr Elamir notified the NRC by letter that Newark Medical Associates was initiating activities authorized by the license; and, during the period from November 1996 through February 6, 1997, Dr. Elamir caused Newark Medical Associates to be in violation of the requirements in Section III.B.1 above by deliberately causing and permitting the licensee to conduct licensed activities even though Dr. Elamir knew that the individual designated as the RSO on the Newark Medical Associates license application and subsequent license did not ever serve as the Radiation Safety Officer under that license and was not ever affiliated with the licensee in any capacity.

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.

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.

On October 17, 1996, Dr Elamir notified the NRC by letter that Newark Medical Associates was initiating activities authorized by the license; and during the period from November 1996 through February 6, 1997, Dr. Elamir caused Newark Medical Associates to be in violation of the requirements in Section III.B.2 above by deliberately causing and permitting licensed activities to be conducted by a technologist who did not hold a specific license issued by the NRC and who was not under the supervision of the authorized user specified on the license. Dr. Elamir knew that the individual designated as the only authorized user on the Newark Medical Associates license application and subsequent license did not ever serve as the authorized user under that license and was not ever affiliated with the licensee in any capacity.

IV

Based on the above, the NRC staff has concluded that Dr. Elamir deliberately caused the licensee to be in violation of NRC requirements by causing and permitting the licensee to conduct licensed activities in the absence of the authorized user and RSO named on the license application and on the NRC license. The NRC must be able to rely on the licensee and its employees 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. Elamir were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Dr. Elamir 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. Elamir'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 entirety.

2. Dr. Elamir is prohibited from engaging in NRC-licensed activities for a period of five years from July 31, 1997. This prohibition applies to Dr. Elamir 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. If, as of July 31, 1997, Dr. Elamir was involved in NRC-licensed activities other than at Newark Medical Associates, P.A., he must: (1) Immediately cease such activities; (2) inform the NRC of the name, address and telephone number of the NRC-licensed entity or entities where the activities are being conducted; and (3) provide a copy of this order to all such NRC-licensed entities.

4. For any entities, other than Newark Medical Associates, P.A., where Dr. Elamir was involved in NRC-licensed activities for the period beginning three years prior to the date of this Order, Dr. Elamir 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 above, the first time that Dr. Elamir 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, prior to 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. Elamir 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. Elamir 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 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, 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 Dr. Elamir 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 Secretary, U.S. Nuclear Regulatory Commission, Attn: Chief, Rulemaking and Adjudications, Washington, DC 20555. Copies also shall 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. Elamir if the answer or hearing request is by a person other than Dr. Elamir. If a person other than Dr. Elamir 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. Elamir 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. Elamir 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 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 15th day of September 1997.

For the Nuclear Regulatory Commission.

Ashok C. Thadani,

Deputy Executive Director for Regulatory Effectiveness.

[FR Doc. 97–25080 Filed 9–19–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket 40–7102]

Finding of No Significant Impact for the Renewal of Source Material, License SMB–743, Shieldalloy Metallurgical Corporation, Newfield, New Jersey

The U.S. Nuclear Regulatory Commission is considering the renewal of the Source Material License SMB–743 for the continued operation of Shieldalloy Metallurgical Corporation (SMC), located in Newfield, New Jersey

Summary of the Environmental Assessment

Identification of the Proposed Action

The proposed action is the renewal of SMC's Source Material License SMB–743 for 5 years. With this renewal, the SMC facility will continue to produce specialty alloys, slag fluidizers, and other products. The proposed action would permit SMC to possess up to 1,200,000 kilograms (kg) of thorium–232 and 180,000 kg of uranium–238, as requested in SMC's September 15, 1995, renewal application. As part of the proposed action, SMC would also continue to add radioactive materials to the temporary stockpiles of slag and baghouse dust currently stored at the site until a final disposition is approved by the commission. Although the continued storage of this material is evaluated as part of the environmental assessment (EA), the evaluation of environmental impacts from a final disposition method is outside the scope of this EA and will be addressed in a separate environmental action.

The Need for the Proposed Action

SMC performs a service for the commercial steel industry by producing speciality alloys, slag fluidizers, and other products. SMC is one of two domestic producers of ferrocolumbium (ferroniobium alloy), its main product from the licensed activities; ferrocolumbium is readily available from foreign producers, such as Brazil and, recently, the Confederation of Independent States (formerly the Soviet Union) and Canada. The element niobium can increase the strength of steel by more than 5,000 pounds per square inch (psi) with only a small addition of niobium (approximately 0.01 percent), thus allowing lighter weight alloys. Denial of the license renewal for the SMC facility is an alternative available to NRC, but would either require the construction of a new facility at another site or a possible dependence upon foreign imports of ferrocolumbium.

Environmental Impacts of the Proposed Action

The radiological impacts of the continued operation of the SMC facility were assessed by calculating the radiation doses to the maximally exposed individual located at the facility fence line and the collective radiation dose to the local population living within 80 kilometers (50 miles0 of the plant site. The primary exposure pathway is release and transport of radioactive effluents to the air.

Doses From Routine Airborne Releases

SMC operates their process using two baghouses to filter airborne material: the Flex Kleen (FK) Baghouse and the American Air Filter (AAF) Baghouse. Atmospheric releases were determined from the two D–111 Baghouse stacks. Other potential release points including stored dust and slag piles were also