

Program from 1992 through the time the data is collected. Respondents will be asked to respond to questions relevant to such factors as: (1) The impacts of their experience at IIASA on their future scientific work and career development; the impacts of IIASA's research on conceptual developments in their disciplines; and the impacts of the results of IIASA's research on US institutional capabilities for research and policy analysis.

Use of the Information: The information will be used by NSF to assess the extent to which the results of research that has been supported at IIASA involving US researchers are consistent with the specific outcome goals defined in the context of the NSF Strategic Plan approved by OMB and the Congress, as required by the General Performance and Results Act (GPRA) of 1993. Among NSF's five approved outcome goals, the three that are most relevant to its investments in research at IIASA are: Promoting discoveries at and across the frontier of science and engineering; facilitating connections between discoveries and their use in service to society; developing a diverse, globally oriented workforce of scientists and engineers.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 60 minutes per response.

Respondents: Individuals.

Estimated Number of Responses per Form: 125.

Estimated Total Annual Burden of Respondents: 125 hours, broken down by 125 respondents at 1 hour per response.

Frequency of Responses: One time.

Dated: July 26, 1999.

Suzanne H. Plimpton,

Reports Clearance Officer.

[FR Doc 99-19400 Filed 7-28-99; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[IA 99-019]

Richard A. Speciale; Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

I

Mr. Richard A. Speciale (Mr. Speciale) was formerly Director, and Radiation Safety Officer of Special Testing Laboratories, Inc. (Special Testing or Licensee). Special Testing is the holder of Byproduct Nuclear Material License No. 06-30361-01

issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30. The license authorizes possession and use of Troxler Electronics Laboratories, Campbell Pacific Nuclear, Humbolt Scientific, Seamen Nuclear, or Soiltest nuclear gauges. The license was issued on August 6, 1997, and is due to expire on August 31, 2007.

Mr. Speciale was also the Director of Testwell Craig Laboratories of Connecticut, Inc. (Testwell Craig), which previously held License No. 06-19720-01 authorizing possession and use of portable nuclear density gauges. This license was suspended on July 1, 1996, due to non-payment of fees.

II

On October 14, 15, and 16, 1998, and November 9-10, 1998, an NRC Region I inspector, accompanied by an investigator from the NRC Office of Investigations, conducted an inspection/investigation at the Licensee's facility in Bethel, Connecticut. During the inspection/investigation, the NRC determined that: (1) Portable gauges containing NRC-licensed material were routinely used by some Licensee employees who had not received the required training; (2) some Licensee employees were using the gauges without being provided the required personnel dosimeters; and (3) leak tests of the gauges were not being performed at the required frequency.

During the October inspection/investigation, Mr. Speciale was interviewed by the inspector and investigator. In that interview, Mr. Speciale, when questioned concerning the scope of the Licensee's program, informed the NRC that the Licensee possessed four Troxler portable gauges that were used by three or four authorized users, including himself. He also stated that he did not believe any of his field technicians were operating gauges without training.

The NRC inspector and investigator returned to the facility on November 9-10, 1998, to complete the inspection/investigation, at which time the NRC was provided records indicating that nine individuals had received manufacturer's training on October 29, 1998, which was subsequent to the NRC's October 1998 visit. Mr. Speciale was questioned as to why nine individuals had received such training when he had previously stated that gauges were used by three or four users. Although Mr. Speciale initially maintained that only three individuals were using four gauges, he subsequently stated, and available records showed, that Speciale Testing possessed 13

gauges, and these gauges were used by as many as 14 individuals. Also, during the November inspection/investigation, seven gauge users stated that they used portable gauges without formal training for periods ranging from several weeks to four years prior to October 29, 1998. The NRC also learned, based on discussions with Mr. Speciale, that there were periods when gauge users were not provided personnel dosimeters. Further, three gauge users stated that they operated portable gauges without wearing "film badges" for periods ranging from one to several months prior to October 1998. When questioned as to why individuals were using gauges without training or personnel dosimeters, Mr. Speciale indicated that the required training and dosimeters were not previously provided due to financial considerations, even though he continued to direct the individuals to use the gauges.

During a subsequent interview with the OI investigator on November 19, 1998, Mr. Speciale admitted that he "never stopped using nuclear gauges" after the Testwell Craig license was suspended for non-payment of fees and before the Special Testing license was issued. He stated that he failed to do so because Testwell Craig had "job commitments to finish." Thus, on numerous occasions between July 1, 1996, and August 6, 1997, Mr. Speciale continued to use these gauges without an NRC license.

As a result, prior to completion of the investigation, the NRC issued to Special Testing an Order Suspending License on December 23, 1998. The suspension order was rescinded on January 22, 1999, after Special Testing consented to issuance of a Confirmatory Order Modifying License that required, in part: (1) Mr. Speciale not be involved in NRC-licensed activities at Special Testing; and (2) Special Testing take corrective actions to prevent recurrence of the violations.

III

The NRC's requirements in 10 CFR 30.10(a)(1) prohibit an individual from engaging 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. In addition, 10 CFR 30.10(a)(2) prohibits an individual from deliberately submitting to the NRC information that the individual submitting the information knows to be incomplete or inaccurate in some respect material to

the NRC. 10 CFR 30.9 requires, in part, that information provided to the Commission by a licensee be complete and accurate in all material respects.

Based on the inspection/investigation, the NRC has concluded that Mr. Speciale violated 10 CFR 30.10. Specifically, Mr. Speciale violated 10 CFR 30.10(a)(1) in that he deliberately caused the Licensee to violate NRC requirements by: (1) Allowing untrained individuals to use gauges, contrary to License Condition 11.A of Special Testing's license; (2) not providing these individuals with the necessary dosimetry while they were using the gauges, contrary to License Condition 19 of Special Testing's license; (3) providing to the NRC inaccurate information concerning the number of gauges possessed and used by the Licensee and concerning the training of gauge users, contrary to 10 CFR 30.9; and (4) while in the position of Director of Testwell Craig, directing the use of gauges even though Testwell Craig's license had been suspended for nonpayment of fees and Special Testing's license had not yet been issued, contrary to Section III.A of the Order Suspending License issued to Testwell Craig. Mr. Speciale also violated 10 CFR 30.10(a)(2) by deliberately providing to the NRC inaccurate information concerning the number of gauges possessed and used by the Licensee and concerning the training of gauge users.

IV

Deliberately violating NRC requirements is of significant concern because the NRC must be able to rely on the integrity of Licensee employees to comply with NRC requirements. Directing untrained individuals to conduct NRC-licensed activities and not providing dosimetry is significant because misuse of gauges (which contain NRC-licensed material) could result in unnecessary radiation exposures to workers and members of the public. Moreover, deliberately providing false information to the NRC is significant because the Commission must be able to rely on its licensees to provide complete and accurate information. Given the above, it appears that Mr. Speciale is either unwilling or unable to comply with the Commission's requirements.

The NRC must be able to rely on the Licensee, and the Licensee employees, to comply with NRC requirements, including the requirement to provide information that is complete and accurate in all material respects. Mr. Speciale's action in deliberately violating Commission regulations, raises

serious questions as to whether he can be relied upon to comply with NRC requirements and to provide or maintain complete and accurate information to the NRC, and raises questions about his trustworthiness and reliability.

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 Richard A. Speciale were permitted at this time to be involved in NRC-licensed activities. Therefore, the NRC has determined that the public health, safety and interest require that Richard A. Speciale be prohibited from any involvement in NRC-licensed activities for a period of five years. If Richard A. Speciale is currently involved in NRC-licensed activities, Mr. Speciale 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. Additionally, Mr. Speciale is required to notify the NRC of his first employment in NRC-licensed activities following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. Speciale'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, 10 CFR 30.10, and 10 CFR 150.20, *it is hereby ordered*, effective immediately, that:

1. Richard A. Speciale is prohibited from engaging in NRC licensed activities for five years from the date of this Order. NRC-licensed activities are those activities 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 Richard A. Speciale is currently involved in NRC-licensed activities, Mr. Speciale 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 a period of one year after the five year period of prohibition has expired, Mr. Speciale shall, within 20 days of his acceptance of each employment offer involving NRC-licensed activities, as defined in Paragraph IV.1 above, provide notice to

the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, of the name, address, and telephone number of the employer or the entity where he is, or will be, involved in the NRC-licensed activities. In the first notification, Mr. Speciale shall include a statement of his commitment to compliance with regulatory requirements and the basis why the Commission should have confidence that he will now comply with applicable NRC requirements.

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

VI

In accordance with 10 CFR 2.202, Richard A. Speciale 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, DC 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. Speciale 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, 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 Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region I, U.S. Nuclear Regulatory, 475 Allendale Road, King of Prussia, Pennsylvania 19406, and to Mr. Speciale if the answer or hearing request is by a person other than Mr. Speciale. If a person other than Mr. Speciale requests a hearing, that person shall set forth with particularity the manner in which that person's 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. Speciale 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), Mr. Speciale 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 21st day of July, 1999.

For the Nuclear Regulatory Commission.

Malcolm R. Knapp,

Deputy Executive Director for Regulatory Effectiveness.

[FR Doc. 99-19365 Filed 7-28-99; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Software Reliability Models for Digital Safety Critical Systems

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of workshop.

SUMMARY: The NRC has committed through its Strategic Plan to incorporate risk insights, conduct anticipatory research on issues of potential regulatory and safety significance, engage in cooperative research agreements, and provide timely information to our stakeholders. As part of this commitment, a workshop has been established to assess software models which could be used to determine the software reliability of digital systems. This research is conducted through a cooperative agreement between academia and the government. The objective of this workshop is to evaluate software reliability models and the associated

software metrics to determine which would be most effective in determining the software reliability of digital safety systems.

Date: August 16-17, 1999—The workshop will begin at 8:30 a.m. and end at 6:00 p.m.

Location: Nuclear Regulatory Commission, White Flint II, 11545 Rockville Pike, Rockville, MD 20852.

Contact:

Registration—Sandra George, Phone: 301-405-6659; E-mail: sgeorge@eng.umd.edu

General—

Carol S. Smidts, Phone: 301-405-7314; E-mail: csmidts@eng.umd.edu

Ming Li, Phone: 301-405-1071; E-mail: mli@eng.umd.edu

Robert Brill, Phone: 301-415-6760; E-mail: rwb2@nrc.gov

Attendance: This workshop is free and open to the general public. All individuals planning to attend should pre-register with Ms. Sandra George by telephone or e-mail and provide their name, affiliation, phone number, and e-mail address.

Program: The workshop will be a mix of presentations and working group discussions. During the first day, the challenges of finding software reliability models for safety critical applications will be examined. A preliminary study identifying practical potential candidate models and their associated software metrics will be discussed by a panel of eminent researchers and practitioners in the fields of software engineering, software reliability engineering and software-based digital systems. During the second day, the panel will divide into working groups to evaluate each of the models and recommend the best models which could be used to evaluate the software reliability of digital systems. As part of this effort, the working groups will explore the need for any additional software metrics to strengthen the models chosen.

Dated in Rockville, Maryland this 23rd day of July, 1999.

For the Nuclear Regulatory Commission.

John W. Craig,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 99-19364 Filed 7-28-99; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41643; SR-DTC-99-16]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Amendment to Proposed Rule Change Relating to Profile Modification Feature of the Direct Registration System

July 22, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on July 22, 1999, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") an amendment as described in Items I, II, and III below, which items have been prepared primarily by DTC, to its proposed rule change SR-DTC-99-16.² Notice of the proposed rule change as originally filed was published in the **Federal Register** on June 23, 1999.³ The Commission is publishing this notice of the amendment to solicit comments from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of DTC's amendment is to add a fourth option on how to resolve the impasse in the implementation of the Profile Modification System ("Profile") feature of the Direct Registration System ("DRS") and to clarify DTC's description of the Profile.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.⁴

¹ 15 U.S.C. 78s(b)(1).

² DTC filed SR-DTC-99-16 on June 17, 1999.

³ Securities Exchange Act Release No. 41535 (June 17, 1999), 64 FR 33539 [File No. SR-DTC-99-16] (notice relating to the profile modification feature of the DRS).

⁴ The Commission has modified the text of the summaries prepared by DTC.