

both set and adjust fee rates and to support the computation of fees paid by each gaming operation.

Respondents: Gaming operations.

Estimated Number of Respondents: 279.

Estimated Annual Responses: 1,116.

Estimated Annual Burden Hours Per Respondent: 5.

Estimated Total Annual Burden on Respondents: 1,395 hours.

Larry D. Rosenthal,

Chief of Staff, National Indian Gaming Commission.

[FR Doc. 98-11522 Filed 4-29-98; 8:45 am]

BILLING CODE 7565-01-M

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; EHR Impact Database

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request renewal of this collection, the EHR (Directorate for Education and Human Resources) Database. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB clearance of this collection for no longer than 3 years.

SEND COMMENTS TO: Gail A. McHenry, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 245, Arlington, Virginia 22230 or send email to gmchenry@nsf.gov. Written comments should be received within 60 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Mrs. McHenry on (703) 306-1125 x2010 or send email to gmchenry@nsf.gov. Copies of specific data collection instruments are available from Mrs. McHenry.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Renewal Project: The EHR Impact Database was established in 1995 to integrate all available information pertaining to the NSF's Education and Training portfolio. Under a generic survey clearance (OMB 3145-0136) data from the NSF administrative database are incorporated and additional information is obtained through initiative-, divisional-, and program-specific data collections.

Use of the Information: This information is required for effective administration, program monitoring and evaluation, and for measuring attainment of NSF's program goals, as required by the Government Performance and Results Act (GPRA).

Burden on the Public: The total estimate for this collection is 50,000 annual burden hours. This figure is based on the previous 3 years of collecting information under this clearance. The average annual reporting burden is between 2 and 50 hours per 'respondent' who may be an individual or a project site representing groups.

Dated: April 27, 1998.

Gail A. McHenry,

NSF Reports Clearance Officer.

[FR Doc. 98-11521 Filed 4-29-98; 8:45 am]

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NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel for Geosciences; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meetings.

Name: Special Emphasis Panel for Geosciences.

1. Date & Time: May 18-22, 1998; 8:30 am-5:00 pm.

Contact Person: Dr. Reeve, Section Head, Division of Ocean Sciences, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306-1587.

Agenda: To review and evaluate Ocean Science Research Programs (OSRS) as part of the selection process for awards.

1. Date & Time: May 18-19, 1998; 8:30 am-5:00 pm.

Contact Person: Dr. Taylor, Program Director of Ocean Sciences, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306-1587.

Agenda: To review and evaluate Life in Extreme Environments Program (LEExEn) proposals as part of the selection process for awards.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meetings: Closed.

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

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 in the Sunshine Act.

Dated: April 27, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98-11516 Filed 4-29-98; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[License No. 45-24851-02; Docket No. 030-32660; EA 98-213]

In the Matter of Moisture Protection Systems Analysts, Inc., 1350 Beverly Road, Suite 223, McLean, VA 22101; Order Modifying Order Suspending License (Effective Immediately) and Order Revoking License

I

Moisture Protection Systems Analysts, Inc., 1350 Beverly Road, Suite 223 McLean, Virginia 22101, (the Licensee or MPS) is the holder of Byproduct Material License No. 45-24851-02 (the license), which was issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30 on January 30, 1992. The license authorizes MPS to possess byproduct material, i.e., a Siemens Model R-50 portable roofing gauge that contains a nominal 40 millicuries (mCi) of Americium-241, for use in measuring moisture density of roof surfaces in accordance with the conditions specified in the license. Mr. Virgil J. Hood, President, MPS, is the only authorized user listed on the license. On February 27, 1997, and May 15, 1997, the license was suspended by immediately effective Order based on non-payment of annual fees required pursuant to 10 CFR 171.16.

II

On February 3, 1997, an NRC inspection was attempted at the Licensee's address (above). The address is a mixed commercial/residential use condominium. The inspector contacted the condominium's marketing representative to determine the whereabouts of the Licensee. The marketing representative stated that the Licensee had broken the lease and vacated the premises without prior notice in mid-December 1996. The inspector and the marketing

representative searched the offices formerly used by the Licensee for any evidence of the gauge containing licensed material that the Licensee was authorized to possess. Visual observation and radiation surveys showed no evidence of the licensed material. The marketing representative gave a forwarding address as 2811 12th Street, NE, Washington, D.C. The marketing representative indicated that this address was provided by one of the Licensee's clients. On February 5, 6, 10, 11, and 12, 1997, the NRC Region II Office attempted unsuccessfully to contact the Licensee by telephone at the 2811 12th Street address, identified as Atlas Contractors (ACI). Telephone messages were left with an answering service on February 4 and 6, 1997.

On February 20, 1997, an NRC inspection was attempted at ACI at the 2811 12th Street address. The inspector spoke to the Office Manager for ACI. The Office Manager stated that she had forwarded NRC telephone messages to Mr. Hood, the Licensee president and authorized user. The Office Manager stated that Mr. Hood was an owner of ACI. The inspector conducted visual observation and radiation surveys, but found no evidence of the gauge containing licensed material. The inspector requested that the Office Manager ask Mr. Hood to contact the NRC Region II Office as soon as possible, and the inspector provided two names and telephone numbers there, including his own. On February 24 and 25, 1997, and March 12 and 13, 1997, the NRC Region II Office attempted unsuccessfully to contact the Licensee by telephone at ACI.

On March 18, 1997, an NRC inspection was again attempted at ACI at the 2811 12th Street address. No one was at the ACI office. On March 25, 1997, the NRC Region II Office attempted unsuccessfully to contact the Licensee by telephone at ACI. In April 1997, the NRC Region II Office contacted ACI and confirmed that Mr. Hood, the Licensee president and authorized user, was operating out of that office. On June 10, 11 and 20, 1997, and November 19, 1997, the NRC contacted a business associate of the Licensee's president and authorized user and left messages for the Licensee's president to contact the NRC when possible. On November 20, 1997, an NRC inspection was attempted at 1441 Florida Avenue, N.W., Washington, D.C., an address provided to the NRC inspector by the telephone directory service. The inspector was informed that Mr. Hood was out of the country and would not return until December 10, 1997.

On February 27, 1997, NRC issued an Order Suspending License (Effective Immediately) to the Licensee based on non-payment of the annual fee for Fiscal Year 1996, required pursuant to 10 CFR 171.16. The Order was sent to the licensee at 2811 12th Street, NE, Washington, D.C., by Certified Mail, and was returned to NRC as undelivered.

On May 15, 1997, NRC issued an Order Suspending License (Effective Immediately) to the Licensee based on non-payment of annual fees for Fiscal Years 1996 and 1997, required pursuant to 10 CFR 171.16. The Order was sent to the Licensee at 2811 12th Street, NE, Washington, D.C., by Certified Mail, and was received at that address on May 22, 1997, as evidenced by a signed return receipt. The May 1997 Order was effective immediately and required, among other things, that the Licensee: (a) Cease use of its licensed material, other than activities involving decommissioning, storage or transfer; (b) dispose of its licensed nuclear material; and (c) submit an answer to the Order within 30 days of the date of the Order. To date, the Licensee has not submitted the required answer to the Order and has not been in contact with NRC. It is not known whether the Licensee has complied with the portions of the Order that require the Licensee to suspend its use of licensed material and dispose of the licensed material.

III

10 CFR 30.52(a) requires that the Licensee afford to the Commission at all reasonable times the opportunity to inspect byproduct material and the premises and facilities wherein byproduct material is used or stored. 10 CFR 30.52(b) requires that the Licensee make available to the Commission for inspection, upon reasonable notice, records kept by the Licensee pursuant to pertinent regulations. As detailed above, the Licensee has violated these requirements. Moreover, given the failure of the Licensee to notify the NRC of its abandonment of the facility named on the license; the failure to notify NRC of a location where the Licensee could be found and inspections conducted; and the admission of the Office Manager that she forwarded NRC's telephone messages to Mr. Hood, these violations are indicative, at a minimum, of careless disregard as defined in the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. Because NRC has been denied the opportunity to inspect the Licensee's records and its byproduct material, NRC cannot be certain that public health, safety and the environment are being

adequately protected. For example, it is not known whether the Licensee has performed leak tests as required by Condition 14 of its NRC license and whether or not the source is leaking radioactive material.

Payment of annual fees for possession of byproduct material is required by 10 CFR 171.16. As detailed in the May 15, 1997 Order, the Licensee violated this requirement for Fiscal Years 1996 and 1997.

IV

The failure of the Licensee to respond as required by the May 15 Order, the apparent violations detailed above, and the apparent careless disregard of the Licensee's principal officer, Mr. Hood, demonstrate that the Licensee is either unwilling or unable to comply with Commission requirements and cannot be tolerated. Additionally, given the Licensee's actions to thwart an NRC inspection of its licensed material and the premises where the material is used and stored, the status of the licensed material cannot be determined, and I lack the requisite reasonable assurance that licensed activities under Byproduct Material License No. 45-24851-02 can be conducted in compliance with Commission requirements and that public health and safety will be protected if the Licensee were to continue in possession of licensed material at this time. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of the violations described above is such that the public health, safety and interest require that the provisions of Section V.A. of this Order be immediately effective.

V

Accordingly, pursuant to sections 81, 161b, 161c, 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 Parts 30, 170, and 171,

A. It is hereby ordered that, effective immediately:

1. The requirements of Paragraphs A. through E. of Section III of the Order dated May 15, 1997 and attached hereto remain in effect except where modified below.

2. The Licensee shall immediately contact Mr. Douglas M. Collins, Director, Division of Nuclear Materials Safety, NRC Region II, at telephone number (404) 562-4700, and report the current location, physical status, and storage arrangements of the licensed material. A written response documenting this information shall be submitted under oath or affirmation to the Regional Administrator, NRC Region

II, Atlanta Federal Center, 61 Forsyth Street, SW, Suite 23T85, Atlanta, Georgia within ten days of the date of this Order.

3. Within ten days of the date of this Order, the Licensee shall complete a leak test pursuant to Byproduct Material License No. 45-24851-02, Condition 14.A.(1), C and D, to confirm the absence of leakage of radioactive materials and to establish the levels of residual radioactive contamination. The Licensee shall, within five days of the date the leak test results are known, submit the results of the leak test in writing to the NRC Region II office. This information should be addressed to the Regional Administrator, NRC Region II, at the address given in Paragraph A.2. above. If the test reveals the presence of 0.005 microcurie or greater of removable contamination, the Licensee shall immediately contact Mr. Douglas M. Collins, NRC Region II, at the telephone number given in Paragraph A.2. above.

4. Within 30 days of the date of this Order, the Licensee shall cause all licensed material in its possession to be transferred to an authorized recipient in accordance with 10 CFR 30.41 and shall submit for NRC approval a completed form NRC-314. This information should be addressed to the Regional Administrator, NRC Region II, at the address given in Paragraph A.2. above.

5. At least two working days prior to the date of the transfer of any licensed material, the Licensee shall notify Mr. Douglas M. Collins, NRC Region II, at the telephone number given in Paragraph A.2. above, so that the NRC may, if it elects, observe the transfer of the material to the authorized recipient.

6. Within seven working days following completion of the transfer, the Licensee shall provide to the Regional Administrator, NRC Region II, in writing, under oath or affirmation: (1) Confirmation, on form NRC-314, that all licensed material has been transferred; (2) the last date that the licensed material was used; (3) a copy of the leak test performed prior to transfer; (4) a copy of the survey performed in accordance with 10 CFR 30.36(j)(2); and (5) a copy of the certification from the authorized recipient that the licensed material has been received. This information shall be addressed to the Regional Administrator, NRC Region II, at the address given in Paragraph A.2. above.

B. It is further ordered:

1. Upon a written finding by the Regional Administrator, NRC Region II, that no licensed material remains in the Licensee's possession and that other applicable provisions of 10 CFR 30.36

have been fulfilled, Byproduct Material License No. 45-24851-02 is revoked.

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

VI

In accordance with 10 CFR 2.202, the Licensee 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 the Licensee 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 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, and to the Regional Administrator, NRC Region II, Atlanta Federal Center, 61 Forsyth Street, SW Suite 23T85, Atlanta, Georgia 30303 and to MPS if the answer or hearing request is by a person other than MPS. If a person other than MPS requests a hearing, that person shall set forth with particularity the manner in which his 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 the Licensee, 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), MPS may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the provisions of this Order

which are immediately effective on the ground that those provisions, including the need for immediate effectiveness, are 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 V 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 provisions of this order which are immediately effective.

Dated at Rockville, Maryland, this 20th day of April 1998.

For the Nuclear Regulatory Commission.

Thomas T. Martin,

Acting Deputy Executive Director for Regulatory Effectiveness.

[FR Doc. 98-11502 Filed 4-29-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-306]

**Northern States Power Company;
Notice of Withdrawal of Application for
Amendment to Facility Operating
License**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Northern States Power Company (the licensee) to withdraw its February 10, 1998, application for proposed amendment to Facility Operating License No. DPR-60 for the Prairie Island Nuclear Generating Plant, Unit 2, located in Goodhue County, Minnesota.

The proposed amendment requested a limited duration change to the Prairie Island Technical Specifications that would allow a reduction in the boron concentration required for Mode 6.

The Commission had previously published notices in the Minneapolis Star Tribune on February 16, 1998, and in the Red Wing Republican Eagle and Minneapolis Star Tribune on February 17, 1998, requesting comments on the NRC staff's proposed determination that the proposed amendment involved no significant hazards considerations. However, by letter dated March 31, 1998, the licensee withdrew the proposed change.