

determine whether the physical condition and general health of applicants for operator licenses is such that the applicant would not be expected to cause operational errors endangering public health and safety.

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC. Members of the public who are in the Washington, DC, area can access the submittal via modem on the Public Document Room Bulletin Board (NRC's Advanced Copy Document Library) NRC subsystem at FedWorld, 703-321-3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1-800-303-9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703-487-4608. Additional assistance in locating the document is available from the NRC Public Document Room, nationally at 1-800-397-4209, or within the Washington, DC, area at 202-634-3273.

Comments and questions should be directed to the OMB reviewer by November 7, 1996: Edward Michlovich, Office of Information and Regulatory Affairs (3150-0024), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 415-7233.

Dated at Rockville, Maryland, this 30th day of September 1996.

For the Nuclear Regulatory Commission.
Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 96-25741 Filed 10-7-96; 8:45 am]

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[Docket Nos. 030-10859, 030-06198, License Nos. 37-14600-01, 37-09135-01, EA 96-353]

Applied Health Physics, Inc., Bethel Park, Pennsylvania; Confirmatory Order (Effective Immediately)

I

Applied Health Physics, Inc. (Licensee or AHP) is the holder of NRC License Nos. 37-14600-01 and 37-09135-01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30. The Licensee's facility is located on the Licensee's site in Bethel Park,

Pennsylvania. License No. 37-14600-01 currently authorizes the receipt, possession, and storage of pre-packaged wastes. License No. 37-09135-01 currently authorizes leak tests services, analysis of samples, calibrations of instruments, and fixed gauge services. License No. 37-14600-01 initially was issued on September 4, 1975, and is due to expire on January 30, 1997. License No. 37-09135-01 was initially issued on February 19, 1963, and is due to expire on October 31, 2000.

II

AHP was issued a Confirmatory Order on March 29, 1996, (the Order) as a result of its storage of radioactive waste for more than 180 days, which is a repeat violation, possessing radioactive material which AHP was not authorized to possess, and NRC's concern about the financial status of the licensee and the possibility of abandoned radioactive material at the licensee's facility.

In letters dated May 2 and 16, 1996, AHP stated that it had complied with the Order and requested a relaxation of the Order which would authorize AHP to receive pre-packaged radioactive wastes at their Bethel Park facility. In particular, these letters described AHP's actions which included the disposal of certain specified waste and the establishment of an escrow account into which would be deposited revenues from customers whose waste is transferred to its Bethel Park, Pennsylvania facility. These revenues would be deposited into escrow within five business days and would include the revenues required to pay for the direct costs of transportation, permits, disposal, and a 10% contingency fee.

The NRC reviewed the AHP request and, based on the information provided in its letters cited above, the NRC found that AHP had satisfactorily complied with the requirements of the Order to be met to date and had made satisfactory progress toward completion of the remaining requirement, Paragraph IV.C of the Order, which is to be completed by December 31, 1996. In accordance with Section IV of the Order, Paragraph IV.A. of the Order was rescinded by letter dated May 31, 1996, so as to authorize AHP to receive prepackaged radioactive waste at its Bethel Park, Pennsylvania facility. The other requirements of the Order remained in effect.

Since that time, the NRC learned that the United States Internal Revenue Service seized AHP's bank accounts, thereby preventing disposal of radioactive waste located at AHP's Bethel Park, Pennsylvania facility. As a result, the NRC no longer has

confidence that AHP will be able to dispose of the radioactive waste on-site. Accordingly, in AHP's facsimile dated September 3, 1996, AHP agreed to suspend all receipt of pre-packaged radioactive waste at your Bethel Park, Pennsylvania facility.

III

I find that the Licensee's commitments as set forth in its facsimile of September 3, 1996 are acceptable and necessary and conclude that with these commitments, the public health and safety are reasonably assured. In view of the foregoing, I have determined that the public health and safety require that the Licensee's commitments in its September 3, 1996 facsimile be confirmed by this Order. The Licensee has agreed to this action in a telephone call on September 12, 1996, between Francis M. Costello, Chief, Industrial Applications Branch, Division of Nuclear Materials Safety, U.S. NRC, Region I, and Daniel Haber, Assistant to the President, Applied Health Physics. In addition, during a telephone call on September 20, 1996, between Ms. Kathleen Dolce, Health Physicist, NRC Region I, and Mr. Robert Gallagher, President of AHP, the Licensee understood that, by consenting to issuance of this Order, it waived its rights to a hearing. Pursuant to 10 CFR 2.202, I also have determined, based on the Licensee's consent and on the significance of the underlying violation described above, that the public health and safety require this Order to be immediately effective.

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 Part 30, *It Is Hereby Ordered, Effective Immediately, that:*

A. Authorization for the receipt of pre-packaged radioactive waste at the Bethel Park facility is suspended.

The Regional Administrator, Region I, may relax or rescind, in writing, any of the above conditions upon a showing by the Licensee of good cause.

V

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing 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. Any

request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Service Section, 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 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 the Licensee. If such a person 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 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 Confirmatory Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), any person other than the Licensee adversely affected by this Order 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.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 27th day of September 1996.

James Lieberman,

Director, Office of Enforcement.

[FR Doc. 96-25740 Filed 10-7-96; 8:45 am]

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Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 87th meeting on October 22 and 23, 1996,

Room T-2B3, at 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the Federal Register on Wednesday, December 6, 1995 (60 FR 62485).

The entire meeting will be open to public attendance. The agenda for this meeting shall be as follows: *Tuesday, October 22, 1996—8:30 a.m. until 6:00 p.m. Wednesday, October 23, 1996—8:30 a.m. until 4:00 p.m.* During this meeting, the Committee plans to consider the following:

A. *Decommissioning For Disposals of Radioactive Waste By Land Burial Authorized Under the Former 10 CFR 20.304, 10 CFR 20.302, and Current 10 CFR 20.2002*—The Committee will review a draft Branch Technical Position that will provide criteria for screening on-site burials disposed of in accordance with former 10 CFR 20.304 and 10 CFR 20.302 requirements to determine if further remediation is required.

B. *Direction Setting Issue Papers*—The Committee will be briefed by the NRC staff on the Direction Setting Issue papers (produced as part of the Agency's strategic assessment of regulatory activities) and will provide comments on issues where the ACNW believes their review will enhance the strategic assessment process.

C. *Ethics Training*—The Committee will receive its annual ethics training from a representative of the Agency's Office of the General Counsel.

D. *Preparation of ACNW Reports*—The Committee will discuss proposed reports, including: radionuclide transport at Yucca Mountain, specification of a critical group and reference biosphere to be used in the performance assessment for a nuclear waste disposal facility, consideration of coupled processes (thermal-mechanical-hydrological-chemical) in the design of a high-level waste repository, time of compliance in high- and low-level waste disposal, comments on selected Agency Decision Setting Issues papers, and shallow land burials licensed under the former 10 CFR 20.304 and 20.302 requirements.

E. *Committee Activities/Future Agenda*—The Committee will consider topics proposed for future consideration by the full Committee and Working Groups. The Committee will discuss ACNW-related activities of individual members.

F. *Miscellaneous*—The Committee will discuss miscellaneous matters related to the conduct of Committee activities and organizational activities and complete discussion of matters and specific issues that were not completed

during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the Federal Register on September 27, 1995 (60 FR 49924). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the Chief, Nuclear Waste Branch, Mr. Richard K. Major, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Chief, Nuclear Waste Branch prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Major as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Richard K. Major, Chief, Nuclear Waste Branch (telephone 301/415-7366), between 8:00 a.m. and 5:00 p.m. EDT.

ACNW meeting notices, meeting transcripts, and letter reports are now available on FedWorld from the "NRC MAIN MENU." Direct Dial Access number to FedWorld is (800) 303-9672; the local direct dial number is 703-321-3339.

Dated: October 2, 1996.

John C. Hoyle,

Acting Advisory Committee Management Officer.

[FR Doc. 96-25736 Filed 10-7-96; 8:45 am]

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Advisory Committee on Nuclear Waste; Procedures for Meetings

Background

This notice describes procedures to be followed with respect to meetings conducted pursuant to the Federal