

Agenda

75th Meeting of the National Museum Services Board

The Westin Crown Center Hotel, One Pershing Drive, Kansas City, MO, Friday, May 14, 1999

10:30–12:30 pm

I. Chairperson's Welcome and Minutes of the 74th NMSB Meeting—February 5, 1999

II. Director's Report

III. Appropriations Report

IV. Legislative/Public Affairs Report

V. Office of Research and Technology Report

VI. Office of Museum Services Program Reports

A. David Ucko's Report on the 21st Century Learners Meeting in Washington, DC on March 22–23, 1999

VII. Office of Library Services Program Reports

Dated: April 1, 1999.

Linda Bell,

Director of Policy, Planning and Budget, National Foundation on the Arts and Humanities, Institute of Museum and Library Services.

[FR Doc. 99–8953 Filed 4–6–99; 4:41 pm]

BILLING CODE 7036–01–M

NATIONAL GAMBLING IMPACT STUDY COMMISSION

Meeting

AGENCY: National Gambling Impact Study Commission.

ACTION: Notice of public meeting.

SUMMARY: At its twelfth regular meeting the National Gambling Impact Study Commission, established under Public Law 104–169, dated August 3, 1996, will conduct its normal meeting business; hear possible presentations from one or more subcommittees; continue its ongoing review of Commission research on economic and social gambling impacts; and deliberate on possible findings and recommendations for the Final Report.

DATES: Tuesday, April 27, 8:30 a.m. to 5:30 p.m. and Wednesday, April 28, 8:30 a.m. to 5:30 p.m.

ADDRESSES: The meeting site will be: Hall of the States, Room 385, 444 North Capitol Street, NW, Washington, DC 20001.

Written comments can be sent to the Commission at 800 North Capitol Street, NW, Suite 450, Washington, DC 20002.

STATUS: The meeting will be open to the public both days.

CONTACT PERSONS: For further information contact Craig Stevens at (202) 523–8217 or write to 800 North Capitol St., NW, Suite 450, Washington, DC 20002.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public both days. However, due to limited seating, members of the media planning to attend are kindly asked to contact Craig Stevens to secure arrangements. Individual subcommittees, including the Regulation, Enforcement & Internet Subcommittee, may meet on Monday, April 26 from 6:00 p.m. to 11:00 p.m. at the Phoenix Park Hotel located at 520 North Capitol Street. For information on individual subcommittee meetings, please contact Mr. Craig Stevens, Communications and Logistics Coordinator, at 202–523–8217.

Tim Bidwill,

Special Assistant to the Chairman.

[FR Doc. 99–8933 Filed 4–8–99; 8:45 am]

BILLING CODE 6802–ET–P

NUCLEAR REGULATORY COMMISSION

[IA 98–058]

A. Abdulshafi, Ph.D.; Order Prohibiting Involvement in NRC-Licensed Activities

I

Dr. A. Abdulshafi, Ph.D. (Dr. Abdulshafi) is the Owner, President, and Radiation Safety Officer of DAS Consult, Inc. (DAS or Licensee), an NRC licensee who is the holder of Byproduct Material License No. 34–26551–01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 30. The license authorizes possession and use of moisture density gauges containing byproduct material in accordance with the conditions specified therein. The license was originally issued on February 2, 1994, and is due to expire on February 28, 2004.

II

Between June 19 and 25, 1998, a special inspection of licensed activities was conducted to determine if licensed material was being used, stored, or transferred in accordance with NRC requirements. The inspection was initiated because the Licensee failed to pay its annual fee, and attempts to contact the Licensee by telephone and by mail were unsuccessful. The inspector discovered that in January, 1997, the Licensee had sold its physical assets, including six moisture density gauges containing byproduct material,

to Diversified Global Enterprises Company (DGE), an entity which was not authorized to possess or use such material either by the NRC or by an Agreement State. The gauges contained sufficient quantities of cesium-137 and americium-241 to require persons who possess these devices to hold a specific NRC license. NRC regulations at 10 CFR 30.41, provide, in part, that licensees may not transfer byproduct material except to a person authorized to receive such byproduct material under the terms of a specific or general license issued by the Commission or an Agreement State.

In March 1997, two months after the sale of DAS physical assets to DGE, by a letter to NRC Region III dated March 24, 1997, Dr. Abdulshafi requested that the DAS license be amended to reflect a change in office location. The letter forwarded payment for the amendment as well as the annual fee. The letter did not indicate that the gauges had been sold or transferred. After May 1997, DGE moved the gauges to another location and the business association between Dr. Abdulshafi and DGE ended. As a result of the NRC special inspection, Dr. Abdulshafi retrieved the gauges from DGE and properly transferred them to another company authorized to possess and receive them.

On June 29, 1998, an investigation was initiated by the NRC Office of Investigations (OI) to determine whether the transfer of byproduct material to DGE was a willful violation. At the predecisional enforcement conference held with Dr. Abdulshafi and NRC staff by telephone on January 5, 1999, Dr. Abdulshafi agreed that a violation involving the improper transfer of licensed material occurred. He maintained that his actions were not deliberate, but were the result of personal problems and a misunderstanding between himself and DGE. In his OI testimony, however, Dr. Abdulshafi stated that during the negotiations preceding the January, 1997, sale of physical assets, he advised DGE that DGE must have an NRC license to possess the gauges, knowing that DGE did not possess a license. Moreover, Dr. Abdulshafi acknowledged continuing to advise Dr. El-Naggar, President of DGE, and possibly other DGE officials at various times between January and April 1997, that DGE needed to obtain an NRC license in order to possess the gauges. Based on the evidence obtained by OI and a predecisional enforcement conference with Dr. Abdulshafi on January 5, 1999, the NRC staff concludes that in January, 1997, Dr. Abdulshafi, Owner, President and Radiation Safety Officer of DAS,

deliberately transferred nuclear material to DGE, a person not authorized to possess or use such material, in violation of 10 CFR 30.41.

III

Based on the above, it appears that Dr. Abdulshafi engaged in deliberate misconduct in violation of 10 CFR 30.10(a)(1), causing the Licensee to be in violation of 10 CFR 30.41(a) and (b)(5). Dr. Abdulshafi deliberately transferred six Troxler moisture density gauges containing byproduct material to a person not authorized to possess or use such material.

The NRC must be able to rely upon licensees and their employees to comply with NRC requirements, including the requirement that byproduct material may be transferred only to persons authorized to receive such materials, in order to protect public health and safety. Dr. Abdulshafi's deliberate action in causing the Licensee to violate 10 CFR 30.41 has raised serious doubt as to whether he can be relied upon 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 will be protected if Dr. Abdulshafi were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Dr. Abdulshafi be prohibited from any involvement in NRC-licensed activities for a period of one year from the effective date of this Order. Additionally, Dr. Abdulshafi is required to notify the NRC of his subsequent employment in NRC-licensed activities for a one year period following the prohibition period.

IV

Accordingly, pursuant to sections 81, 161b, 161i, 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 that:

1. Dr. Abdulshafi is prohibited from engaging in NRC-licensed activities for one year from the effective 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 Dr. Abdulshafi is involved in NRC-licensed activities on the effective date of this Order, he must immediately cease such activities, and inform the

NRC of the name, address and telephone number of the licensee, and provide a copy of this Order to the licensee.

3. For a period of one year after the one year period of prohibition has expired, Dr. Abdulshafi shall, within 20 days of acceptance of each employment offer involving NRC-licensed activities or his becoming involved in 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 such notification, Dr. Abdulshafi 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, OE, may, in writing, relax or rescind any of the above conditions upon a demonstration by Dr. Abdulshafi of good cause.

V

In accordance with 10 CFR 2.202, Dr. Abdulshafi 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 Dr. Abdulshafi 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: 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 Deputy Assistant General Counsel for Enforcement at the same address, to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, IL 60532, and to Dr. Abdulshafi if the answer or hearing request is by a person

other than Dr. Abdulshafi. If a person other than Dr. Abdulshafi 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. Abdulshafi, 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.

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 effective and 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.

Dated at Rockville, Maryland this 31st day of March 1999.

For the Nuclear Regulatory Commission.

Malcolm R. Knapp,

Deputy Executive Director for Regulatory Effectiveness.

[FR Doc. 99-8872 Filed 4-8-99; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[IA 98-059]

Dr. Mohamed El-Naggar; Order Prohibiting Involvement in NRC-Licensed Activities

I

Dr. Mohamed El-Naggar (Dr. El-Naggar) is the owner of Diversified Global Enterprise Company (DGE), neither an NRC licensee nor an Agreement State licensee. DGE purchased the physical assets of DAS Consult, Inc., (DAS or Licensee), including, in particular, DAS assets subject to an NRC license. DAS is the holder of Byproduct Material License No. 34-26551-01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 30. The license authorized possession and use of moisture density gauges containing byproduct material in accordance with the conditions specified therein.

II

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