

petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and made it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John F. Stolz: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General

Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated April 10, 1995, as supplemented April 12, 1995, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania, 20037.

Dated at Rockville, Maryland, this 12th day of April 1995.

For the Nuclear Regulatory Commission.

**Leonard N. Olshan,**

*Senior Project Manager, Project Directorate I-2, Division of Reactor Projects—II, Office of Nuclear Reactor Regulation.*

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**[Docket No. 150-00003 and License No. ARK-740-BP-1-94 EA 94-241]**

**Otho G. Jones (d.b.a. Jones Inspection Services) Alderson, Oklahoma; Order Suspending Authority Under General License (Effective Immediately)**

## I

Jones Inspection Services is the holder of Radioactive Material License ARK-740-BP-1-94 (License) issued by the State of Arkansas, an NRC Agreement State. The License, as amended on December 22, 1994, authorizes Jones Inspection Services to possess, store and use sealed radioactive sources in various radiographic exposure devices in the State of Arkansas. Jones Inspection Services does not hold a specific NRC license. In accordance with 10 CFR 150.20, a general license is granted to Agreement State licensees to conduct the same activities in areas under NRC jurisdiction (referred to as "reciprocity") provided that the NRC is notified and

the other provisions of 10 CFR 150.20 are followed.

## II

On July 14, 1994, an NRC investigation was conducted to determine whether Mr. Otho G. Jones, dba Jones Inspection Services, was using regulated byproduct material in NRC jurisdiction without NRC authorization. Based on interviews with Mr. Jones, the sole proprietor of Jones Inspection Services, and on documents obtained from the Central Oklahoma Oil and Gas Company, the investigation confirmed that Jones Inspection Services had illegally used and possessed regulated byproduct material in Oklahoma, a non-Agreement State in which the NRC maintains regulatory authority over such material. The NRC's investigation determined that Jones Inspection Services stored three radiographic exposure devices containing sealed sources of radioactive material in Oklahoma from at least January 1, 1994, to July 1994, and that these devices had been used to perform industrial radiography in Oklahoma from April 1, 1994, to June 27, 1994 for Central Oklahoma Oil and Gas Company. The investigation also determined that these activities were conducted without NRC authorization. Specifically, the investigation found that Jones Inspection Services did not hold an NRC license as required by 10 CFR 30.3 and that Jones Inspection Services did not notify the NRC, in accordance with the provisions of 10 CFR 150.20, that it planned to conduct radiography at temporary job sites in NRC jurisdiction. Thus, these activities were not subject to inspection by the NRC to assure the protection of the public health and safety.

In a signed statement Mr. Jones provided to the NRC investigator, Mr. Jones said that he did not know he had to notify the NRC and did not know to whom the information should be provided. Further, Mr. Jones indicated that he "did think to call the NRC about reciprocity, but I am afraid of the NRC and did not want more hassle [sic] so I chose not to call them about working in Oklahoma." Furthermore, Mr. Jones was the sole proprietor of Tumbleweed X-Ray Company in September 1991 when that company was issued an NRC order specifically suspending its authority to conduct radiography activities in Oklahoma and other states in which NRC maintained regulatory authority.<sup>1</sup>

<sup>1</sup> Otho G. Jones' previous company, Tumbleweed X-Ray Company, was prohibited by Order for conducting licensed activities in non-Agreement

On July 21, 1994, the NRC issued a Confirmatory Action Letter (CAL 4-94-07) which described voluntary commitments made by Mr. Jones to discontinue the use of three radiographic exposure devices in his possession and to transfer the devices to authorized recipients. Mr. Jones informed NRC Region IV personnel on the same date that he had transferred two devices to an NRC licensee in the State of Oklahoma and was preparing to ship a third device on or around August 8, 1994. These commitments were replaced and superseded by the Order to Cease and Desist Use and Possession of Regulated Byproduct Material in NRC Jurisdiction dated July 26, 1994. Since that time, Mr. Jones has received Amendment 07, dated December 22, 1994, to his Arkansas License ARK-740-BP-1-94 to store radioactive byproduct material in the State of Arkansas and at temporary job sites. This does not include areas under NRC jurisdiction.

On January 31, 1995, the NRC conducted an enforcement conference with Mr. Jones to ascertain the circumstances under which Mr. Jones conducted licensed activities in NRC jurisdiction without obtaining a specific or general use license. During that conference, Mr. Jones stated, in part, that he was unaware of NRC requirements related to an Agreement State licensee's conduct of radiography in the State of Oklahoma (a non-Agreement State) and that he had made no effort to determine what the requirements were. Based on the information provided during the conference, it was determined that Mr. Jones was not knowledgeable of current NRC requirements. While Mr. Jones stated that he knew "radiation safety [requirements] to the letter," he admitted that he had "no idea" if NRC requirements for radiography had changed in the last three years. Furthermore, despite the fact that Mr. Jones filed for reciprocity in Kansas and Kentucky, both of which are Agreement States, he did not take reasonable steps to determine the reciprocity requirements for working in Oklahoma.

### III

Based on the above, the NRC concludes that Mr. Otho G. Jones has demonstrated careless disregard for NRC requirements. This resulted in Mr. Jones' use of regulated byproduct material in NRC jurisdiction without

first acquiring an NRC specific use license or following the reciprocity requirements of 10 CFR 30.3 and 10 CFR 150.20, respectively. This is prohibited by Section 81 of the Atomic Energy Act (AEA) of 1954, as amended, and by 10 CFR 30.3, which state that (except for persons exempt as provided in 10 CFR Parts 30 and 150) no person shall possess or use byproduct material, except as authorized in a specific or general use NRC license.

Improper handling of byproduct material can result in unnecessary exposure to radiation and, in some cases, serious injury. The Atomic Energy Act and the Commission's regulations require that the possession of licensed material be under a regulated system of licensing and inspection. Mr. Jones' actions in this case prevented the NRC from assuring, through licensing and inspection, that byproduct material is being used safely and in accordance with all NRC requirements.

Based on Mr. Jones' lack of knowledge and competence in following, and careless disregard for, NRC requirements, I lack the requisite reasonable assurance that Jones Inspection Services can conduct licensed activities in compliance with NRC requirements and that the health and safety of the public will be protected in areas under NRC jurisdiction should Mr. Jones, Jones Inspection Services, or any successor entity engage in activities under the reciprocity provisions of 10 CFR 150.20. Therefore, the public health, safety, and interest require that the July 26, 1994 Order to Mr. Otho G. Jones, d.b.a. Jones Inspection Services, be superseded by this Order to suspend Mr. Jones', Jones Inspection Services', or any successor entity's authority granted by 10 CFR 150.20 to conduct activities in NRC jurisdiction. This Order is applicable to successor entities engaged in NRC or Agreement State licensed activities within NRC jurisdiction wherein Mr. Jones is a corporate officer or owner. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of the conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

### 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 Part 30 and 10 CFR Part 150, It is hereby ordered, effective immediately, that the authority of Mr. Otho G. Jones, d.b.a. Jones Inspection Services, and any successor entity in

which Mr. Jones is a corporate officer or owner, to conduct activities in areas under NRC jurisdiction under the general license granted by 10 CFR 150.20(a) is suspended.

The Regional Administrator, Region IV, may, in writing, relax or rescind this Order upon demonstration by Mr. Jones for good cause. Any request by Mr. Jones for relaxation or rescission of this Order must address the following:

A. Demonstration of Mr. Jones' understanding of applicable NRC requirements for the possession, storage and use of regulated byproduct material in NRC jurisdiction prior to filing an NRC Form 241 for performance of licensed activities in areas of NRC jurisdiction under the provisions of 10 CFR 150.20. This will require that Mr. Jones complete a formal training process and satisfactorily pass a written exam administered during the formal training process on NRC regulations applicable to the use of regulated byproduct material. Formal training shall be conducted by a consultant as described in paragraph B below or another entity approved by NRC.

B. Retention of the services of an independent individual or organization (consultant) to perform a program and process implementation audit, to demonstrate Mr. Jones' knowledge of, and compliance with, applicable NRC requirements, prior to Mr. Jones conducting activities within NRC jurisdiction. The name and qualifications of the consultant proposed to conduct the audit shall be submitted to the Regional Administrator, NRC Region IV, for review and approval. The consultant shall be independent of Mr. Otho Jones and Jones Inspection Services and have experience in the implementation of a radiation safety program and NRC requirements.

C. The audit required by Paragraph B shall be completed and Mr. Jones shall have the consultant submit its audit report and any recommendations for improvement to Mr. Jones and directly to the Regional Administrator, NRC Region IV prior to Mr. Jones submitting an NRC Form 241. This shall include the demonstrated resolution of any weaknesses or negative findings identified by the audit or a statement as to why the weaknesses or findings are not valid or do not need correction. The audit of Mr. Jones' performance shall include, but not be limited to:

1. A review of the administrative, operating and emergency procedures to ensure that such procedures are appropriate and meet the requirements established for working under NRC reciprocity requirements.

States until September 6, 1994. Thus, had Mr. Jones notified the NRC of his intent to conduct radiography activities in Oklahoma in early 1994, it is likely that the NRC would have acted to prohibit those activities.

2. On-site review of Mr. Jones' field activities, and interviews and observations of any selected authorized users (other than Mr. Jones) working at various locations.

D. Mr. Jones shall provide notice to the NRC seven days prior to working in areas of NRC jurisdiction under the provisions of 10 CFR 150.20.

## V

In accordance with 10 CFR 2.202, Mr. Jones 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.

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 set forth the matters of fact and law on which Mr. Jones 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, Docketing and Services 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 IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011-8064, and to Mr. Jones, if the answer or hearing request is by a person other than Mr. Jones. If a person other than Mr. Jones 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 Mr. Jones 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. Otho Jones, Jones Inspection Services, or any other person 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, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated at Rockville, Maryland this 11th day of April 1995.

For the Nuclear Regulatory Commission.

**Hugh L. Thompson, Jr.,**

*Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.*

[FR Doc. 95-9506 Filed 4-17-95; 8:45 am]

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## NUCLEAR WASTE TECHNICAL REVIEW BOARD

### Joint Panel Meeting on Perceived Risks and Socioeconomic Impacts

Pursuant to its authority under section 5051 of Public Law 100-203, the Nuclear Waste Policy Amendments Act of 1987, the Nuclear Waste Technical Review Board's (the Board) Panel on the Environment & Public Health and Panel on Risk & Performance Analysis will hold a joint meeting May 23-24, 1995, in Las Vegas, Nevada. The meeting, which is open to the public, will be held at the St. Tropez Hotel, 455 East Harmon, Las Vegas, Nevada 89109; Tel (702) 369-5400; Fax (702) 369-1150. The meeting will begin at 1:00 P.M. on Tuesday, May 23, recess at approximately 5:00 P.M., and continue on Wednesday, May 24, from 8:30 A.M. to noon.

The meeting will consist of a panel discussion by a diverse group of social scientists. The topic for discussion is peoples' beliefs about the risks associated with a potential high-level radioactive waste repository at Yucca Mountain, Nevada, and how those beliefs might result in significant socioeconomic impacts. The Board is looking at this issue because socioeconomic impacts are addressed as part of the Department of Energy's site-suitability guidelines, 10 CFR 960.

As with all the Board's meetings, time is set aside on the agenda for comments and questions from the public. In order to ensure that everyone wishing to speak is offered time to do so, the Board encourages those who have comments to sign the *Public Comment Register* located at the sign-in table. Written comments for the record also may be submitted to the Board staff at the sign-in table.

The Nuclear Waste Technical Review Board was created by Congress in the Nuclear Waste Policy Amendments Act of 1987 to evaluate the technical and scientific validity of activities undertaken by the DOE in its program to manage the disposal of the nation's high-level radioactive waste and spent nuclear fuel. In that same legislation, Congress directed the DOE to characterize a site at Yucca Mountain, Nevada, for its suitability as a potential location for a permanent repository for the disposal of that waste.

Transcripts of the meeting will be available on computer disk or on a library-loan basis in paper format from Davonya Barnes, Board staff, beginning July 10, 1995. For further information, contact Frank Randall, External Affairs, Nuclear Waste Technical Review Board, 1100 Wilson Boulevard, Suite 910, Arlington, Virginia 22209; (703) 235-4473.

Dated: April 13, 1995.

**William Barnard,**

*Executive Director, Nuclear Waste Technical Review Board.*

[FR Doc. 95-9510 Filed 4-17-95; 8:45 am]

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## OFFICE OF MANAGEMENT AND BUDGET

### Notice of Meeting

**AGENCY:** Office of Management and Budget.

**ACTION:** National Industrial Security Program Policy Advisory Committee (NISPPAC) meeting; notice of meeting and invitation for public comments.

**SUMMARY:** The National Industrial Security Program Policy Advisory Committee will hold a meeting that shall serve as a forum to discuss National Industrial Security Program (NISP) policy issues in dispute, and to advise the Chairman on these issues. The agenda will include a discussion of the status of the NISP, the NISP Operating Manual, and accounting for security costs within industry. Written statements from the public will be accepted in lieu of an opportunity for comment at the meeting.

The Information Security Oversight Office (ISOO) will host the meeting. ISOO is part of OMB's Office of Information and Regulatory Affairs.

**DATES:** The meeting will be held on Thursday, April 20, 1995, at 10 a.m., at the Information Security Oversight Office in Washington, DC. The meeting is open to the public; however, due to access procedures, the names and