

DEPARTMENT OF JUSTICE**Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980**

Notice is hereby given that on September 2, 1997, a proposed Consent Decree in *United States v. Vogel Paint and Wax Co.*, C97-4078 MWB (N.D. Iowa) was lodged with the United States District Court for the Northern District of Iowa. The proposed Consent Decree resolves the United States' claims in this action against Vogel Paint and Wax Company, Incorporated ("Vogel") under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), for response costs incurred and to be incurred by the United States at the Vogel Paint and Wax Company Site ("Site") in Sioux County, Iowa.

The proposed Consent Decree requires, *inter alia*, that Vogel will pay to the EPA Hazardous Substance Superfund \$200,000. In addition, Vogel is required to implement and perform certain response actions at the Site as ordered by the State of Iowa. The proposed Consent Decree grants to Vogel a covenant not to sue under Sections 106 and 107(a) of CERCLA, 42 U.S.C. §§ 9606 and 9607(a), and the contribution protection afforded by Section 113(f)(2) of CERCLA, 42 U.S.C. § 9613(f)(2), for matters addressed in the proposed Consent Decree. The proposed Consent Decree contains reopeners which allow the United States, in certain situations, to institute additional proceedings to require Vogel to perform response actions or reimburse the United States for additional costs of response.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Vogel Paint and Wax Co.*, DOJ No. 90-11-3-855.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Northern District of Iowa, 320 6th St., Sioux City, Iowa 51101; and at the Consent Decree library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree library. When requesting a copy, please enclose a check in the amount of \$11.25 (25 cents

per page reproduction cost) payable to the Consent Decree library.

Joel Gross,
Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
[FR Doc. 97-25995 Filed 9-30-97; 8:45 am]
BILLING CODE 4410-15-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**Sunshine Act Meeting**

September 26, 1997.

PREVIOUSLY ANNOUNCED TIME AND DATE: 10:00 a.m., Thursday, September 25, 1997.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

CHANGES IN THE MEETING: The Commission postponed until October 3, 1997, consideration and action on the following:

1. Whether to propose revisions to Commission Procedural Rules 5, 9, 10, 45(f), 70, and 75.

TIME AND DATE: 10:00 a.m., Friday, October 3, 1997 (Previously scheduled for September 25, 1997).

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Whether to propose revisions to Commission Procedural Rules 5, 9, 10, 45(f), 70, and 75.

TIME AND DATE: 10:00 a.m., Friday, October 17, 1997.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. *Rock of Ages Corp. v. Secretary of Labor*, Docket No. YORK 94-76, etc. (Issues include whether the judge correctly determined that the operator violated four regulations relating to the use and handling of explosives and that the violations were due to the operator's unwarrantable failure; correctly assessed the penalty for the violations; and failed to be impartial in his decision and conduct of the hearing).

TIME AND DATE: 2:00 p.m. Friday, October 17, 1997.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Closed [Pursuant to 5 U.S.C. § 552b(c)(10)].

MATTERS TO BE CONSIDERED: It was determined by a unanimous vote of the Commissioners that the Commission consider and act upon the following in closed session.

1. *Rock of Ages Corp. v. Secretary of Labor*, Docket No. YORK 94-76, etc. (See oral argument listing, *supra*, for issues).

Any person attending oral argument or an open meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 C.F.R. § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653-5629/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

Jean H. Ellen,
Chief Docket Clerk.
[FR Doc. 97-26209 Filed 9-29-97; 3:53 pm]
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NATIONAL SCIENCE FOUNDATION**National Science Board****Sunshine Act Meeting**

DATE AND TIME: October 8, 1997, 2:30 p.m., Open Session; October 9, 1997, 8:30 a.m., Open Session; October 10, 1997, 8:30 a.m., Open Session.

PLACE: University of Houston, Hilton Conference Center, 4800 Calhoun Road, Houston, TX 77204-3902.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Wednesday, October 8, 1997

Open Session (2:30 p.m.-5:30 p.m.)

- Minutes, August 1997 Meeting
- Closed Session Agenda Items for November 1997 Meeting
- Chairman's Report
- Report of the Task Force on the October 1997 Meeting
- Working paper on Government Funding of Scientific Research

Thursday, October 9, 1997

Open Session (8:30 a.m.-6:15 p.m.)

Subject of Meeting: Convocation on Graduate and Postdoctoral Education: The Federal Role

I. The National Interest and Federal Role in Science & Engineering Graduate and Postdoctoral Education

—Federal/University Partnership in Research and Education for the Future

(Principles of Federal Support for Graduate and Postdoctoral Education)
—Modes of Federal Support for Graduate and Postdoctoral Education

II. Science & Engineering Graduate/ Postdoctoral Education: Needs and Issues

Friday October 10, 1997

Open Session (8:30 a.m.–11:00 a.m.)

—Discussion of NSB Report to OSTP on Graduate Education

—Adjourn

Marta Cehelsky,

Executive Officer.

[FR Doc. 97–26110 Filed 9–29–97; 9:46 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–607]

United States Air Force; Notice of Proposed Issuance of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a facility operating license to the United States Air Force (the applicant). The license would authorize the applicant to operate a nuclear research reactor (the facility), located at McClellan Air Force Base, Sacramento, California, at power levels not to exceed 2300 kilowatts (thermal), with pulse step reactivity insertion not to exceed \$1.75. The facility is presently operating under the authority of Section 91b of the Atomic Energy Act of 1954, as amended (the Act).

In compliance with the terms and conditions of the application, as amended, and in the absence of good cause to the contrary, the Commission will issue to the applicant (without prior notice) a class 104c facility license authorizing operation of the nuclear research reactor at the power and pulse levels specified above, since the application is complete enough to permit evaluation of the safety and environmental impact of the operation of the facility in the manner and location proposed. Prior to the issuance of the license, the facility will be inspected by a representative of the Commission to determine whether it has been constructed in accordance with the application. The license will not be issued until the Commission makes the findings required by the Act and the Commission's rules and regulations and concludes that the issuance of the license will not be inimical to the

common defense and security or to the health and safety of the public or to the environment. In addition, the applicant will be required to execute an indemnity agreement as required by Section 170 of the Act and by 10 CFR part 140 of the Commission's regulations.

By October 31, 1997, the licensee may file a request for a hearing with respect to issuance of the facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene.

Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above. Not later than 15 days prior to the first prehearing

conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the 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 application 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.

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 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Col. Robert Gibson, SM–ALC/JA, 5219 Arnold Avenue, McClellan AFB, Sacramento, California 95652–1085, 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