

Dated: December 30, 1998.

**Kathy Plowitz-Worden,**

*Panel Coordinator, National Endowment for the Arts.*

[FR Doc. 99-216 Filed 1-5-99; 8:45 am]

BILLING CODE 7537-01-M

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 40-8948-MLA; ASLBP No. 99-760-03-MLA]

**Shieldalloy Metallurgical Corp.; Designation of Presiding Officer**

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 F.R. 28710 (1972), and §§ Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.1207 of the Commission's regulations, a single member of the Atomic Safety and Licensing Board Panel is hereby designated to rule on petitions for leave to intervene and/or requests for hearing and, if necessary, to serve as the Presiding Officer to conduct an informal adjudicatory hearing in the following proceeding.

**Shieldalloy Metallurgical Corporation Cambridge, Ohio**

(Request for Materials License Amendment)

The hearing, if granted, will be conducted pursuant to 10 CFR subpart L of the commission's Regulations, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." This proceeding concerns a request for hearing submitted by Attorney Michael Bruce Gardner on behalf of citizens of Guernsey County, Ohio in response to a license amendment request by Shieldalloy Metallurgical Corporation. The proposed amendment would allow Shieldalloy to receive and place slag/soil from a temporary onsite staging area to an area abutting the "West Slag Pile." The amendment request is part of the decommissioning planning for the Cambridge, Ohio site. A notice of the proposed amendment was published in the **Federal Register** at 63 FR 64976 (November 24, 1998).

The Presiding Officer designated for this proceeding is Administrative Judge G. Paul Bollwerk. Pursuant to the provisions of 10 CFR 2.722, Administrative Judge Thomas D. Murphy has been appointed to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents and other materials shall be filed with Judge

Bollwerk and Judge Murphy in accordance with 10 CFR 2.701. Their addresses are:

Administrative Judge G. Paul Bollwerk, III, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Administrative Judge Thomas D. Murphy, Special Assistant, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Issued at Rockville, MD., this 30th day of December 1998.

**B. Paul Cotter, Jr.,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. 99-194 Filed 1-5-99; 8:45 am]

BILLING CODE 7590-01-P

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 30-34318-EA; ASLBP No. 99-759-01-EA]

**Special Testing Laboratories, Inc.; Establishment of Atomic Safety and Licensing Board**

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721, and 2.772(j) of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to preside over the following proceeding.

**Special Testing Laboratories, Inc.**

Order Suspending License (Effective Immediately)

In accordance with 10 CFR part 202, this Board is established as a result of a request by Richard Speciale on behalf of Special Testing Laboratories, Inc., for a hearing on a December 23, 1998, NRC Order. That Order, *inter alia*, suspended, effective immediately, Special Testing Laboratories, Inc.'s license to operate under License No. 06-30361-01. Mr. Speciale has requested that the Order be overturned and the immediate effectiveness of the Order be set aside.

The Board is comprised of the following administrative judges:

Thomas S. Moore, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Thomas D. Murphy, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Dr. Peter S. Lam, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

All correspondence, documents and other materials in this proceeding shall be filed with the Judges in accordance with 10 CFR 2.701.

Issued at Rockville, MD., this 29th day of December 1998.

**B. Paul Cotter, Jr.,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. 99-192 Filed 1-5-99; 8:45 am]

BILLING CODE 7590-01-P

**NUCLEAR REGULATORY COMMISSION**

[NUREG-1600, Rev.1]

**NRC Enforcement Policy; Discretion Involving Natural Events**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Policy Statement; revision.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is publishing a revision to its Enforcement Policy (NUREG-1600, Rev.1, "General Statement of Policy and Procedure for NRC Enforcement Actions") to address enforcement discretion in cases involving natural events, such as severe weather conditions.

**DATES:** This action is effective January 6, 1999, while comments are being received. Submit comments on or before February 22, 1999.

**ADDRESSES:** Submit written comments to: David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop: T6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm, Federal workdays. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 415-2741.

**SUPPLEMENTARY INFORMATION:** The changes to the Enforcement Policy (in the order that they appear in the Policy) are described below:

**III. Responsibilities**

This section has been modified to indicate that the Commission is to be

provided notification when enforcement discretion is exercised in accordance with Section VII.C for natural events, such as severe weather conditions. Item (1) concerning Commission consultation was also modified to include a parenthetical phrase indicating that cases involving severe weather or other natural phenomena may be addressed by the staff without prior Commission consultation in accordance with Section VII.C.

**VII. Exercise of Discretion**

*C. Exercise of Discretion for an Operating Facility*

This section is being modified to allow the NRC staff to exercise enforcement discretion in the form of a Notice of Enforcement Discretion (NOED) in cases involving severe weather or other natural phenomena, based upon balancing the public health and safety or common defense and security of not operating, against the potential radiological or other hazards associated with continued operation, and a determination that safety will not be impacted unacceptably by exercising this discretion. Exercising enforcement discretion for this type of situation previously required prior Commission approval in accordance with Section III. This change in policy should not be viewed as lowering the threshold for granting NOEDs. The Commission has concluded that public health and safety is best served by allowing the staff to take expedited regulatory action in these cases. This section is also being modified to reflect that the Commission is to be informed expeditiously following the grant of a NOED in such situations.

**Paperwork Reduction Act**

This policy statement does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval number 3150-0136. The approved information collection requirements contained in this policy statement appear in Section VII.C.

**Public Protection Notification**

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Small Business Regulatory Enforcement Fairness Act**

In accordance with the Small Business Regulatory Enforcement

Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

Accordingly, the NRC Enforcement Policy is revised to read as follows:

**General Statement of Policy and Procedure For NRC Enforcement Actions**

\* \* \* \* \*

**III. Responsibilities**

\* \* \* \* \*

Unless Commission consultation or notification is required by this policy, the NRC staff may depart, where warranted in the public's interest, from this policy as provided in Section VII, "Exercise of Enforcement Discretion."

The Commission will be provided written notification for the following situations:

- (1) All enforcement actions involving civil penalties or orders;
- (2) The first time that discretion is exercised for a plant that meets the criteria of Section VII.B.2;
- (3) (Where appropriate, based on the uniqueness or significance of the issue) when discretion is exercised for violations that meet the criteria of Section VII.B.6; and
- (4) All Notices of Enforcement Discretion (NOEDs) issued involving natural events, such as severe weather conditions.

The Commission will be consulted prior to taking action in the following situations (unless the urgency of the situation dictates immediate action):

- (1) An action affecting a licensee's operation that requires balancing the public health and safety or common defense and security implications of not operating against the potential radiological or other hazards associated with continued operation (cases involving severe weather or other natural phenomena may be addressed by the staff without prior Commission consultation in accordance with Section VII.C);

\* \* \* \* \*

**VII. Exercise of Discretion**

\* \* \* \* \*

*C. Exercise of Discretion for an Operating Facility*

On occasion, circumstances may arise where a licensee's compliance with a Technical Specification (TS) Limiting Condition for Operation or with other license conditions would involve an unnecessary plant transient or performance of testing, inspection, or

system realignment that is inappropriate with the specific plant conditions, or unnecessary delays in plant startup without a corresponding health and safety benefit. In these circumstances, the NRC staff may choose not to enforce the applicable TS or other license condition. This enforcement discretion, designated as a Notice of Enforcement Discretion (NOED), will only be exercised if the NRC staff is clearly satisfied that the action is consistent with protecting the public health and safety. The staff may also grant enforcement discretion in cases involving severe weather or other natural phenomena, based upon balancing the public health and safety or common defense and security of not operating, against the potential radiological or other hazards associated with continued operation, and a determination that safety will not be impacted unacceptably by exercising this discretion. The Commission is to be informed expeditiously following the granting of an NOED in such situations. A licensee seeking the issuance of a NOED must provide a written justification, or in circumstances where good cause is shown, oral justification followed as soon as possible by written justification, that documents the safety basis for the request and provides whatever other information the NRC staff deems necessary in making a decision on whether or not to issue a NOED.

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Dated at Rockville, MD, this 30th day of December, 1998.

For the Nuclear Regulatory Commission.

**John C. Hoyle,**  
*Secretary of the Commission.*

[FR Doc. 99-193 Filed 1-5-99; 8:45 am]

BILLING CODE 7590-01-P

**NUCLEAR REGULATORY COMMISSION**

**Sunshine Act Meeting**

**AGENCY HOLDING THE MEETING:** Nuclear Regulatory Commission.

**DATES:** Weeks of January 4, 11, 18, and 25, 1999.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:**

*Week of January 4*

Thursday, January 7

11:00 a.m. Affirmation Session (Public Meeting) (If Needed)