

**18. Independent Salt Company**

[Docket No. M-1999-019-M]

Independent Salt Company, PO Box 36, Kanopolis, Kansas 67454 has filed a petition to modify the application of 30 CFR 49.6(a)(4) (equipment and maintenance requirements) to its Independent Salt Company Mine (I.D. No. 14-00411) located in Ellsworth County, Kansas. The petitioner requests a modification of the standard relating to equipment for recharging cylinders since suppliers of oxygen with capabilities of pumping the cylinders are within the time limit provided by the extra cylinders required by each unit. The petitioner states that the Kansas Mine Rescue Association members will have a total of twenty-four breathing apparatus at their disposal so immediate turn-around of any single unit is not extremely critical, and that shortly after notification of a mine disaster the district MSHA rescue team will arrive at the mine site with a portable oxygen pump. The petitioner asserts that application of the proposed alternative method will not compromise the safety of the miners.

**Request for Comments**

Persons interested in these petitions are encouraged to submit comments via e-mail to "comments@msha.gov," or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 12, 1999. Copies of these petitions are available for inspection at that address.

Dated: October 4, 1999.

**Carol J. Jones,***Acting Director, Office of Standards, Regulations, and Variances.*

[FR Doc. 99-26695 Filed 10-12-99; 8:45 am]

BILLING CODE 4510-43-P

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice (99-131)]

**NASA Advisory Council, Aero-Space Technology Advisory Committee, Aviation Safety Reporting System Subcommittee; Meeting**

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub.

L. 92-463, as amended, the National Aeronautics and Space Administration announces a NASA Advisory Council, Aero-Space Technology Advisory Committee, Aviation Safety Reporting System Subcommittee meeting.

**DATES:** Tuesday, November 9, 1999, 9:00 a.m. to 5:00 p.m. and Wednesday, November 10, 1999, 9:00 a.m. to 2:00 p.m.

**ADDRESSES:** Naval Postgraduate School, One University Circle, Monterey, CA.

**FOR FURTHER INFORMATION CONTACT:** Ms. Linda Connell, National Aeronautics and Space Administration, Ames Research Center, Moffett Field, CA 94035, 650/969-8340.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. Agenda topics for the meeting are as follows:

- Report on Aviation Safety Reporting System
- Report on Aviation Performance Measuring System Program
- Report on NASA Aviation Safety Program Elements Related to ASRS/APMS

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitors register.

Dated: October 6, 1999.

**Matthew M. Crouch,***Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 99-26614 Filed 10-12-99; 8:45 am]

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice (99-130)]

**Aerospace Safety Advisory Panel; Meeting**

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

**DATES:** Thursday, November 5, 1999, 8:00 a.m. to 12:00 p.m.

**ADDRESSES:** National Aeronautics and Space Administration, 300 E Street, SW., Room 5W40, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Ms. Suzanne E. Hilding, Code Q-1, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-1455, if you plan to attend.

**SUPPLEMENTARY INFORMATION:** The Aerospace Safety Advisory Panel will meet to deliberate topics for inclusion in its Annual Report for 1999. This is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The Aerospace Safety Advisory Panel is currently chaired by Richard D. Blomberg and is composed of 9 members and 6 consultants. The meeting will be open to the public up to the capacity of the room (approximately 40 persons including members of the Panel).

Dated: October 6, 1999.

**Matthew M. Crouch,***NASA Advisory Committee Management Officer.*

[FR Doc. 99-26613 Filed 10-12-99; 8:45 am]

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**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION****Advisory Committee on Presidential Libraries Meeting; Partial Closed Meeting**

This notice amends the **Federal Register** notice issued on August 31, 1999 announcing a meeting of the Advisory Committee on Presidential Libraries on October 14, 1999, from 10:30 a.m. to 2 p.m., in room 105 of the National Archives Building, 700 Pennsylvania Avenue, NW, Washington, DC. Pursuant to Section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c)(9)(B), it has been determined that a portion of the meeting will be closed. The open portion of the meeting will be held from 10:30 to 11:30 and will include agenda items covering digitization issues and an update on new libraries. The closed portion of the meeting will be held from 11:30 to 2:00 and will call for a discussion of proposed legislation and 2001 budget items that will not be available to the public until the President's budget and message goes to Congress in February,

2000. For further information, call David F. Peterson at 301-713-6050.

**Mary Ann Hadyka,**

*Committee Management Officer.*

[FR Doc. 99-26611 Filed 10-12-99; 8:45 am]

BILLING CODE 7515-01-P

## NUCLEAR REGULATORY COMMISSION

[License No. 45-23000-02, Docket No. 030-33583, EA 99-223]

In the matter of Roof Survey and Consultants, Inc., 2045 Wesvan Drive, N.E., Roanoke, Virginia 24012.

### Order Modifying Order Suspending License (Effective Immediately) and Order Revoking License

#### I

Roof Survey and Consultants, Inc. (RSCI or (licensee) 2045 Wesvan Drive, N.E., Roanoke, VA 24012, is the holder of Byproduct Material License No. 45-23000-02 (the license), which was issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30 on September 14, 1994. The license authorized RSCI to possess byproduct material, i.e., a Troxler Model No. 3216 portable roofing gauge containing a nominal 44 millicuries of Americium-241, for use in measuring the moisture density of roof surfaces in accordance with the conditions specified in the license. Mr. Charles R. Akers, President and Radiation Protection Officer, is the only authorized user listed on the license.

#### II

Pursuant to 10 CFR 171.16, the licensee is required to pay an annual fee for the license. The licensee's annual fee for License No. 45-23000-02 for fiscal year 1996, as set forth in fee category 3P of 10 CFR 171.16(d), was \$1600. In accordance with 10 CFR Part 15, the licensee was sent an original invoice dated August 22, 1996, a second notice dated September 23, 1996, and a final notice dated October 24, 1996, requesting payment of the annual fee. The final notice of payment due specifically informed RSCI that non-payment of the fee might result in the suspension or revocation of the license in accordance with the Commission's regulations at 10 CFR 171.23. To date, the annual fee for 1996 has not been paid.

On April 3, 1997, NRC issued an Order Suspending License (Effective Immediately) to RSCI, based on non-payment of license fees for fiscal year 1996. The Order of April 3, 1997,

required, among other things, that RSCI dispose of any licensed material, acquired or possessed under the authority of License No. 45-23000-02.

As of September 5, 1997, the licensee had not complied with the April 3, 1997 Order, in that no disposal of licensed material had occurred. On July 14, 1997, an inspection was conducted which verified that the gauge was stored at Mr. Akers' residence. Mr. Akers was not present during the inspection. On November 20, 1997, an inspection was attempted but the inspector was not able to contact Mr. Akers. On March 27, 1998, an inspection was again attempted; however, Mr. Akers was not present and security of the device could not be verified. On December 8, 1998, an inspection was again attempted. Mr. Akers was not available. His spouse, however, was home and allowed the inspector to verify that the material was still in safe secure storage. Region II attempted to contact Mr. Akers on April 20, 1999, and left a message requesting a return call on his answering machine. Mr. Akers did not return the call.

On May 20, 1999, NRC sent the licensee a certified letter, return receipt requested, reiterating the requirements of the April 3, 1997 Order, that RSCI dispose of any licensed material, acquired or possessed under the authority of License No. 45-23000-02. No response was received. On August 3, 1999, the United States Postal Service confirmed that Mr. Akers signed for and received the certified letter on May 28, 1999. On August 4, 1999, the Director of NRC's Region II Division of Nuclear Materials Safety, attempted to contact Mr. Akers via telephone. Mr. Akers was not available, and a message was left with the person answering the call to have Mr. Akers call the NRC Region II office. To date, Mr. Akers has not returned any calls or otherwise contacted the NRC.

Based on the above, two deliberate violations of NRC requirements have been identified. The violations are: (1) Failure to pay the annual fees prescribed by 10 CFR 171.16 for Byproduct Material License No. 45-23000-02 for Fiscal Year 1996; and, (2) failure to comply with the terms of the April 3, 1997, Order Suspending License. Specifically, that Order required the licensee to dispose of all licensed nuclear material, acquired or possessed under the authority of License No. 45-23000-02, and to submit an answer in writing and under oath and affirmation and specifically admit or deny each charge made therein. As of this date, the licensee has neither disposed of the material possessed

under the license nor answered that Order.

#### III

The deliberate failures of the licensee to comply with the April 3, 1997 Order and to pay the annual fee as required by Commission regulations demonstrate that the licensee is either unwilling or unable to comply with Commission requirements. Moreover, because the licensee has failed to respond to NRC inquiries, the NRC is unable to ascertain the current status of licensed material in the licensee's possession. Consequently, I lack the requisite reasonable assurance that public health and safety will be protected if the licensee were to continue in possession of licensed material at this time. Therefore, the public health, safety, and interest require that the licensee report the current location, physical status, and storage arrangements of its licensed material; that the licensee leak test the licensed material; that the licensee transfer the licensed material to an authorized recipient as described below; and that Byproduct Material License No. 45-23000-02 be revoked. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of the violations described above is such that no further notice is required and that the public health, safety and interest require that the provisions of Section IV.A. of this Order be immediately effective.

#### IV

Accordingly, pursuant to sections 81, 161b, 161c, 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 Parts 30, 170, and 171,

A. *It is hereby ordered*, effective immediately, That:

1. The requirements of Paragraphs A through E of Section III of the Order dated April 3, 1997, and attached hereto remain in effect except where modified below.

2. The licensee shall contact Mr. Douglas M. Collins, Director, Division of Nuclear Materials Safety, NRC Region II, at telephone number 404-562-4700 or 1-800-577-8510, within five days of the date of this Order and report the current location, physical status, and storage arrangements of the licensed material. Additionally, the licensee shall submit a written statement documenting this information under oath or affirmation to the Regional Administrator, NRC Region II, Atlanta Federal Center, 61 Forsyth Street, SW, Suite 23T85, Atlanta, Georgia 30303, within seven days of the date of this Order.