

request; they will also become a matter of public record.

Dated: October 26, 1999.

**Gerald B. Lindrew,**

*Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.*

[FR Doc. 99-28420 Filed 10-28-99; 8:45 am]

BILLING CODE 4510-26-M

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Experimental & Integrative Activities; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Experimental & Integrative Activities (1193).

*Date & Time:* November 8, 1999; 8:00 a.m.–5:00 p.m.

*Place:* Room 320, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Lawrence E. Brandt, Digital Government Program, Experimental and Integrative Activities, Room 1160, National Science Foundation, 4201 Wilson Boulevard, VA 22230 Telephone: (703) 306-1981.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to the National Science Foundation for financial support.

*Agenda:* To review and evaluate CISE Major Research Instrumentation proposals submitted in response to the program announcement (NSF 99-103).

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 25, 1999.

**Karen J. York,**

*Committee Management Officer.*

[FR Doc. 99-28418 Filed 10-28-99; 8:45 am]

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## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Experimental & Integrative Activities; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Experimental & Integrative Activities (1193).

*Date & Time:* December 14-15, 1999; 8:00 a.m.–5:00 p.m.

*Place:* Room 1020, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Lawrence E. Brandt, Digital Government Program, Experimental and Integrative Activities, Room 1160, National Science Foundation, 4201 Wilson Boulevard, VA 22230 Telephone: (703) 306-1981.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to the National Science Foundation for financial support.

*Agenda:* To review and evaluate CISE Major Research Instrumentation proposals submitted in response to the program announcement (NSF 99-103).

*Reason for Closing:* the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 25, 1999.

**Karen J. York,**

*Committee Management Officer.*

[FR Doc. 99-28419 Filed 10-28-99; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

[IA 99-049]

### Randall G. Falvey; Order Prohibiting Involvement in NRC-Licensed Activities

**I**

Randall G. Falvey was employed from January 3, 1994 to October 30, 1998, as the training manager for the Wackenhut Corporation, the security contractor of the Wisconsin Public Service Corporation (Licensee). The Licensee holds license No. DPR-43 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50 on June 16, 1974. The license authorizes the operation of the Kewaunee Nuclear Power Plant (facility) in accordance with the conditions specified therein. The facility is located on the Licensee's site near Green Bay, Wisconsin.

**II**

From December 21, 1998 to June 21, 1999, an investigation of licensed activities was conducted by the NRC Office of Investigations (OI) in response to information provided to NRC Region III by the Licensee on October 14, 1998.

The Licensee reported that information had been received which indicated the annual test firing of shotguns used by the security force at the Kewaunee Nuclear Power Plant was not performed when due. The Licensee conducted an investigation and determined that Mr. Randall G. Falvey, the training manager for the Wackenhut Corporation, was assigned the responsibility for ensuring that each firearm at this site, including shotguns, was test fired annually. The investigation by the Licensee determined that Mr. Falvey had not ensured that 11 shotguns during 1997 and nine shotguns during 1998 were tested. The investigation by the Licensee also established that Mr. Falvey falsified the records of those tests in order to show that the tests had been conducted. The Licensee also reported that two shotguns which Mr. Falvey had not tested and for which he had falsified test records, failed to properly cycle during the test firing following the identification of this issue.

The OI investigation also determined that during the Licensee's investigation of this matter, Mr. Falvey provided false information about the test firings to the Licensee's Security Director for the Kewaunee Nuclear Power Plant. In a written statement to the Security Director, Mr. Falvey wrote that he had completed the test firings on the shotguns. However, review of Kewaunee Plant security access records during the licensee's investigation for May 1997 and May and June 1998, on the dates that Mr. Falvey indicated that the shotguns were tested, showed both that Mr. Falvey had, in some instances, not entered areas where shotguns were stored and, in other instances, that Mr. Falvey had not stayed in an area long enough to retrieve a shotgun for testing and replace it with another. Security personnel were interviewed and none could recall retrieving or firing a shotgun at Mr. Falvey's request. Furthermore, Mr. Falvey could not provide the name of any individual who may have retrieved or test fired a shotgun at the direction of Mr. Falvey. Other records indicated that none of these firearms were taken to the firing range or cleaned after test firing.

Condition No. 2.C.(4) of the NRC operating license for the Kewaunee Nuclear Power Plant requires the Licensee to maintain in effect and fully implement all provisions of the Commission-approved Kewaunee Nuclear Power Plant Security Manual and the Licensee's Security Implementing Procedure (SIP) 30.02-10, "Testing, Inspection, and Maintenance of Security Equipment." The annual testing of site-assigned weapons,

including shotguns, and the creation and maintenance of records of those tests are required by the NRC-approved Kewaunee Nuclear Power Plant Security Manual and the procedures implementing that manual. 10 CFR 50.9(a), "Completeness and Accuracy of Information," provides, in part, that information required by a condition of a Commission license to be maintained by a licensee must be complete and accurate in all material respects. 10 CFR 50.5(a)(2), "Deliberate Misconduct," provides in part that a contractor employee of a Commission licensee may not deliberately submit to a licensee or a licensee's contractor information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC. The records of the shotgun tests are material to the NRC because each record helps to demonstrate the Licensee's compliance with the requirements of the NRC-approved Kewaunee Nuclear Power Plant Security Manual. Based on the Licensee's and OI's investigations, it appears that Randall G. Falvey deliberately provided information to the Licensee that he knew to be incomplete or inaccurate in some respect material to the NRC, in violation of 10 CFR 50.5. In particular, on October 12, 1998, Mr. Falvey created false records indicating that a number of shotguns had been tested during May 1997 and May-June 1998, and on October 14, 1998, Mr. Falvey told the Licensee's Security Director that the shotguns had been tested as required.

The NRC must be able to rely on the Licensee and its employees to comply with NRC requirements, including the requirements to provide information and maintain records that are complete and accurate in all material respects and to refrain from deliberate misconduct. The actions of Randall G. Falvey in causing the Licensee to violate 10 CFR 50.9 and his violation of 10 CFR 50.5 have raised serious doubt as to whether Mr. Falvey can be relied upon to comply with NRC requirements and to provide complete and accurate information to NRC licensees.

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 Randall G. Falvey were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Randall G. Falvey be prohibited from any involvement in NRC-licensed activities for a period of three years from the date of this Order. Additionally, Randall G.

Falvey is required to notify the NRC of his first employment in NRC-licensed activities for the three years following the prohibition period.

#### IV

Accordingly, pursuant to sections 103, 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 50.5, and 10 CFR 150.20, *It is hereby ordered that:*

1. Randall G. Falvey is prohibited for three years from the date of this Order from engaging in NRC-licensed activities. 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 Randall G. Falvey is currently involved with a licensee in NRC-licensed activities, he must cease those activities, and inform the NRC of the name, address and telephone number of the employer, and provide a copy of this order to the employer.

3. For a period of three years after the three year period of prohibition has expired, Randall G. Falvey shall, within 20 days of his 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 NRC-licensed activities. In the first notification Randall G. Falvey 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, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by Randall G. Falvey of good cause.

#### V

In accordance with 10 CFR 2.202, Randall G. Falvey 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 Randall G. Falvey 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: Rulemaking 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 Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, IL 60532-4351, and to Randall G. Falvey if the answer or hearing request is by a person other than Mr. Falvey. If a person other than Randall G. Falvey 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 Randall G. Falvey 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.

For the Nuclear Regulatory Commission.

Dated this 19th day of October 1999  
Rockville, Maryland.

**Frank J. Miraglia, Jr.,**

*Deputy Executive Director for Reactor Programs.*

[FR Doc. 99-28414 Filed 10-28-99; 8:45 am]

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