

DEPARTMENT OF LABOR**Pension and Welfare Benefits Administration****Working Group on the Disclosure of the Quality of Care in Health Plans Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting**

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 29 U.S.C. 1142, the Advisory Council on Employee Welfare and Pension Benefit Plans has established a new Working Group to study what kind of information on the quality of care in health plans should be transmitted to fiduciaries and participants and how the information should be transmitted. The Working Group will hold an open public meeting on Monday, May 4, 1998 in Room N-4437 C&D, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, DC 20210.

The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon, is for Working Group members to begin organizing the course of study for the year and, it is hoped, even to begin taking testimony on the topic. Recently named as chair and vice chair, respectively, of the Working Group were Judith Mazo, senior vice president/director of research for the Segal Company, and Neil Grossman, William M. Mercer Co., both of the Washington, DC area.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before May 1, 1998, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N-5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219-8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by May 1, at the address indicated in this notice.

Organizations or individual may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the

record of the meeting if received on or before May 1.

Signed at Washington, D.C. this 13th day of April, 1998.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 98-10284 Filed 4-17-98; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL SCIENCE FOUNDATION**Special Emphasis Panel in Materials Research; Notice of Meetings**

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

Name: Special Emphasis Panel in Materials Research (1203).

Dates and Times: May 5-7; May 12-14; May 19-21; May 26-28; and June 2-3, 1998, 1998 8:30 a.m.-5 p.m. each day.

Place: Rooms: 330, 375, 380 and 390, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meetings: Closed.

Contact Person: Dr. Ulrich Strom, Program Director, Division of Materials Research, Room 1065.37, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306-1832.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support. The format is in the form of reverse site visits.

Agenda: To review and evaluate proposals submitted for consideration for support of Materials Research Science and Engineering Centers.

Research of 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. 552(b), (4) and (6) of the Government in the Sunshine Act.

Dated: April 14, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98-10280 Filed 4-17-98; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD**Sunshine Act Meeting**

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 63, No. 72/Wednesday, April 15, 1998.

PREVIOUSLY ANNOUNCED TIME AND DATE: 9:30 a.m., Tuesday, April 21, 1998.

CHANGE IN MEETING: A majority of the Board Members determined by recorded

vote that the business of the Board required changing the time of the meeting to 1:00 p.m., Tuesday, April 21, 1998.

FOR MORE INFORMATION CONTACT: Rhonda Underwood, (202) 314-6065.

Dated: April 16, 1998.

Rhonda Underwood,

Federal Register Liaison Officer.

[FR Doc. 98-10581 Filed 4-16-98; 3:48 pm]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

[IA 98-019]

In the Matter of John Boschuk, Jr., Canonsburg, Pennsylvania; Order Prohibiting Involvement in NRC-Licensed Activities

I

J&L Testing Company, Inc., (Licensee or JLT) is the holder of Byproduct Nuclear Material License No. 37-28442-02 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30. The license authorizes possession and use of Troxler portable nuclear gauges containing cesium-137 and americium-241 in sealed sources. The license, originally issued on February 7, 1995, was amended on August 22, 1995, and is due to expire on February 29, 2000. The License was suspended by Order, dated September 27, 1995. Lourdes T. Boschuk is the President and owner of JLT. John Boschuk, Jr. has acted as an agent for and consultant to JLT in the conduct of its licensed activities. Mr. Boschuk, the husband of Lourdes Boschuk, is also the President and owner of J&L Engineering Company (JLE) located on the same premises. JLE held NRC Materials License No. 37-28442-01, which authorized use and possession of the same sealed sources, until the license was revoked by the NRC on July 30, 1993, for non-payment of fees. Concurrently with this Order, the NRC is issuing an Order Revoking License to JLT (EA 96-110).

II

Based on an NRC inspection and an investigation by the NRC's Office of Investigations, the NRC has determined that John Boschuk, Jr., while serving as President and owner of JLE and as an agent for and consultant to JLT, engaged in a pattern and practice of willfully violating NRC requirements. Among such violations are the following:

A. Unauthorized Transfer of Byproduct Material

The August 30, 1993, Order Revoking License required JLE, among other things, to cease use of byproduct material, dispose of the byproduct material, and to notify the NRC of the disposition within 30 days. Nonetheless, JLE continued to possess the material. Consequently, the NRC staff again transmitted a copy of the Order Revoking License to JLE on August 9, 1994, and a letter to Mr. Boschuk on August 18, 1994. The August 18, 1994, letter reminded Mr. Boschuk that continued possession of the material without a valid license is a violation of 10 CFR 30.3, and that he must immediately place the material in secure storage until a valid license is acquired and that any other use is not authorized. During a telephone call on August 12, 1994, Mr. Boschuk had informed the NRC staff that he intended to promptly file an application for a new license.

Nonetheless, as President of and owner JLE, and as an agent for JLT, Mr. Boschuk transferred a Troxler gauge on or about September 2, 1994, to SE Technologies, Inc., of Bridgeville, Pennsylvania, in violation of the Order Revoking License dated July 30, 1993, and 10 CFR 30.3. As stated by the Chief Engineer of SE Technologies, Inc., Mr. Boschuk had arranged for the rental, and as stated by a Project Engineer of SE Technologies, Inc., Mr. Boschuk had personally transferred the gauge to SE Technologies, Inc. Accordingly, Mr. Boschuk deliberately violated the Order Revoking License and 10 CFR 30.3, in violation of 10 CFR 30.10(a).

B. Materially Inaccurate Statements Made to NRC

(1) A letter to the NRC dated October 11, 1994, signed by Mr. Boschuk as President of JLE, stated that the three Troxler gauges had not been used for over two years and had not left the storage area of JLE's office. In fact, Mr. Boschuk had deliberately transferred one of the gauges in violation of the Order Revoking License and 10 CFR 30.3 on September 2, 1994, as explained above. This statement was deliberately inaccurate in violation of 10 CFR 30.9(a) and 30.10(a)(2).

In addition, JLT admittedly used the Troxler density gauges on four occasions after revocation of the JLE license and before the NRC issued a license to JLT on February 7, 1995. Specifically, JLT used the gauge(s) for the following customers: DelSir Supply in December 1993, Johnson Construction in May 1994, Johnson

Construction in June 1994, and PA Soil & Rock Company in July 1994. Lourdes Boschuk also stated at a December 18, 1997, predecisional enforcement conference that she did not get the keys from JLE for the gauges until February 1995. The statement by Mr. Boschuk in his October 11, 1994, letter to the NRC, that the gauges had not been used for over two years and had not left storage, was materially inaccurate in violation of 10 CFR 30.9(a) and was made by Mr. Boschuk with at least careless disregard for the facts with respect to such usage.

(2) Figure 1 of the November 21, 1994, JLT application, revised January 6, 1995, depicted a locked steel cabinet on the JLT premises as the storage site for the three Troxler gauges. However, the cabinet did not have a lock. Mr. Boschuk prepared Figure 1. This materially inaccurate statement was in violation of 10 CFR 30.9(a) and was made with at least careless disregard for the facts by Mr. Boschuk.

(3) A letter to the NRC dated September 11, 1995, signed by Lourdes Boschuk and reviewed and edited by Mr. Boschuk, stated that the Troxler gauge which was missing at the time of the NRC inspection on August 1, 1995 was in Watertown, New York; was returned the next day to JLT. In fact, according to the Chief Engineer of SE Technologies, Inc., Mr. Boschuk personally transferred the gauge to SE Technologies, Inc. in July 1995, and requested return of the gauge on August 14 or 15, 1995. In fact the gauge was not returned to JLT until August 17, 1995. This was a deliberately inaccurate statement by Mr. Boschuk in violation of 10 CFR 30.9(a) and 30.10(a).

In addition, the letter represented that since the August 1995 NRC inspection, all three Troxler gauges had been kept in a locked storage cabinet at JLT's premises and would remain there until the apparent violations identified in the NRC inspection report were resolved. This inaccurate statement in violation of 10 CFR 30.9(a) was made by Mr. Boschuk with careless disregard for the facts. In fact, one of the gauges was transferred on September 6, 1995, to Cashin Associates, P.C., and was not returned to JLT until September 19 or 20, 1995.

(4) A letter dated September 18, 1995, signed by Lourdes Boschuk for JLT and prepared by Mr. Boschuk as an agent for and consultant to JLT, and sent to the NRC in response to the NRC's September 15, 1995, letter confirming JLT's commitment at the September 15, 1995, enforcement conference to refrain from using the Troxler density gauges pending resolution of the apparent violations, made several materially

inaccurate statements. The letter stated that all JLT's gauges had been in locked storage since the August 1995 NRC inspection. This was a deliberately inaccurate statement by Mr. Boschuk in violation of 10 CFR 30.9(a) and 30.10(a)(2). In fact, Mr. Boschuk learned from Lourdes Boschuk no later than the weekend ending September 17, 1995, that a gauge had been recently transferred to Cashin Associates, P.C. As explained above, Mr. Boschuk also knew that the gauge had been transferred to SE Technologies, Inc., between July 18 and August 17, 1995, although the NRC inspection ended on August 3, 1995.

In addition, the letter stated that all three JLT Troxler gauges are currently locked in the designated storage cabinet on JLT's premises. This inaccurate statement was in violation of 10 CFR 30.9(a) and made with at least careless disregard as to its truth or falsity by Mr. Boschuk. Mr. Boschuk stated at a December 18, 1997, predecisional enforcement conference that although he checked the storage cabinet before preparing the letter, and saw three yellow cases which he assumed contained the gauges, he did not look inside the cases to verify the gauges were there. In fact, the gauge which had been transferred to Cashin Associates, P.C. was not returned to JLT until September 19 or 20, 1995.

C. Destruction of Records Relating to Gauge Usage

According to a witness, John Boschuk, Jr. and others destroyed, altered, sanitized, or otherwise disposed of business and transactional records shortly after the August 1995 NRC inspection of JLT, in order to conceal from the NRC the unauthorized use and/or transfer of Troxler gauges by JLT. Among the records destroyed or disposed of were invoices and a log documenting use of the Troxler density gauges. According to a handwritten note, created by a JLT employee immediately after the September 15, 1995 enforcement conference, although utilization records were made available to the NRC inspector, those records could not be subsequently located. The note further reflected a question whether the utilization records were "thrown away during sanitization of records?" Shortly after the August 1995 inspection, the NRC inspector requested JLT to provide a copy of a utilization record found during the inspection and which documented the rental of a gauge to SE Technologies in September 1994, when neither JLE nor JLT had a valid NRC license. JLT did not provide the invoice and claimed it could no longer

find the document. Condition 19 of JLT's License requires that JLT conduct its licensed activities in accordance with its Application dated January 6, 1995. The Application mandates that JLT comply with conditions requiring the creation of a utilization log for the gauges and the maintenance of the log for audit purposes. The destruction of the utilization log was in violation of the 10 CFR 30.3 and 30.9(a). The participation of Mr. Boschuk in the deliberate destruction of the utilization log was in violation of 10 CFR 30.10(a).

III

Based on the above, the NRC concludes that John Boschuk, Jr., President and owner of JLE and an agent of and a consultant to JLT, deliberately violated NRC regulations and otherwise committed willful violations of NRC requirements. These violations raise a serious doubt as to whether Mr. Boschuk can be relied upon to comply with NRC requirements and to provide complete and accurate information to the NRC. The NRC must rely upon the integrity of persons involved in licensed activities, especially owners and officials of NRC licensees. Deliberate misconduct of the type demonstrated by Mr. Boschuk cannot be tolerated. Notwithstanding the revocation of the JLE and JLT licenses, given Mr. Boschuk's repeated failures to adhere to regulatory requirements, the NRC no longer has the necessary assurance that Mr. Boschuk's activities, if performed under an NRC license, would be performed safely and in accordance with requirements.

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 Mr. Boschuk were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Mr. Boschuk be prohibited from any involvement in NRC-licensed activities for a period of five years from the date of this Order, and if he is currently involved with another licensee in NRC-licensed activities, he must immediately cease such activities, and inform the NRC of the name, address and telephone number of the licensee, and provide a copy of this Order to the licensee. Additionally, Mr. Boschuk is required to notify the NRC of his first employment or involvement in NRC-licensed activities following the prohibition period.

Accordingly, pursuant to sections 81, 161b, 161i, 161o, 182 and 186 of the

Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 30.10, and 10 CFR 150.20, *it is hereby ordered that:*

1. For a period of five years from the date of this Order, Mr. Boschuk is prohibited 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 in areas of NRC jurisdiction pursuant to the authority granted by 10 CFR 150.20.

2. For a period of five years from the date of this Order, Mr. Boschuk shall provide a copy of this Order to any prospective employer or business partner who engages in NRC-licensed activities (as described in Section IV.1 above) prior to his acceptance of any employment (whether involved in licensed activities or not) by, or acquisition of partnership or ownership interest in, a licensee (as described in Section IV.1 above). The purpose of this requirement is to ensure that the licensee is aware of Mr. Boschuk's prohibition from engaging in NRC-licensed activities.

3. The first time Mr. Boschuk is employed in NRC-licensed activities, or acquires an interest in a licensee (as described in Section IV.1 above), following the five year prohibition, he shall notify the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, prior to acquiring such an interest or engaging in NRC-licensed activities, including activities under an Agreement State license when activities under that license are conducted in areas of NRC jurisdiction pursuant to 10 CFR 150.20. The notice shall include the name, address, and telephone number of the NRC or Agreement State licensee and the location where licensed activities will be performed.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

V

In accordance with 10 CFR 2.202, Mr. Boschuk 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 Mr. Boschuk or any 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, 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 Deputy Assistant General Counsel for Enforcement at the same address, to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, and to Mr. Boschuk, if the answer or hearing request is by a person other than Mr. Boschuk. If a person other than Mr. Boschuk 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 Mr. Boschuk 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 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.

Dated at Rockville, Maryland this 10th day of April 1998.

For the Nuclear Regulatory Commission.
James Lieberman,
Director, Office of Enforcement.
[FR Doc. 98-10331 Filed 4-17-98; 8:45 am]
BILLING CODE 7590-01-P