Mr. Occhifinto was convicted of four counts relating to the smuggling of hashish. Mr. Occhifinto was sentenced to probation based upon his minimal participation. Further, Mr. Occhifinto, was also convicted in 1991 following his guilty plea to one count of money laundering as it related to his shipments of listed chemicals to the California individual. Mr. Occhifinto was ultimately sentenced in 1996 to 18 months incarceration followed by three years of supervised release.

As discussed under factor two, evidence in the record seems to suggest that Respondent's Senior Vice President, who appeared to have a much more significant role in the hashish smuggling endeavor was also convicted of controlled substance-related offenses. However, since no evidence was presented by the Government to indicate that it is the same individual, the Deputy Administrator has not relied on this information in rendering his decision.

Regarding factor four Respondent's experience in manufacturing and distributing listed chemicals, Respondent has manufactured and distributed pharmaceutical products since 1986. However, the record is clear that Respondent distributed listed chemicals from March 22, 1990 through January 2, 1991 knowing that they were to be used in the illicit manufacture of methamphetamine. In addition, as recently as 1998, Respondent was responsible for the distribution of approximately 3.5 million dosage units of a listed chemical to an unregistered customer.

As to factor five, Respondent's product was found at clandestine laboratories in 1990, which initiated the investigation of Respondent, and in 1998. While the evidence in the record does not support a finding that Respondent knew or had reason to believe that these chemicals were being diverted to the illicit manufacture of controlled substances, the Deputy Administrator agrees with Judge Randall that ''[d]espite what efforts the Respondent may be making to prevent such an occurrence, these products have been diverted.''

The Deputy Administrator agrees with Judge Randall that the Government has presented a prima facie case for denial of Respondent's applications for registration. However, there is evidence in the record regarding Mr. Occhifinto's extensive cooperation with law enforcement, his acceptance of responsibility for his actions, and his active involvement in religious and community-related charitable activities. Further, Mr. Occhifinto did not attempt to hide Respondent's dealings with Select Health and in fact reported to DEA that Select Health was not registered. But as Judge Randall noted, ''(w)hile the Respondent may be recognized for its efforts in reporting this violation to the DEA, refraining from any future transactions with Select Health, and in hiring a regulatory affairs representative, the fact remains that had greater preventative actions been taken, the thirty-six unlawful transactions never would have occurred. Remedial efforts are not superior to preventative actions.''

In her opinion, Judge Randall indicated that she is troubled by DEA's lack of action in this matter since the shipments to the California individual occurred in 1990 and 1991. Judge Randall stated that ''(b)y failing to act against the Respondent from 1991 until the Order to Show Cause in 1998, the Government has weakened its credibility in its argued concern for the public interest in light of the Respondent's past business activities. If the DEA believed then, what it now purports to argue, it should have acted at the time to limit or prohibit the Respondent's, or at least Mr. Occhifinto's, handling of listed chemicals.'' The Deputy Administrator disagrees with Judge Randall. There was no action that DEA could have taken, short of the criminal action that it did, or possibly civil action. Respondent did not even apply for registration until May 1997 and all applicants who submitted their applications by a specific date were allowed to continue in operation until action was taken regarding the applications

Judge Randall concluded, and the Deputy Administrator agrees, that despite Mr. Occhifinto's cooperation with law enforcement, his willingness to comply with DEA security requests, and his activities within the community, it is inconsistent with the public interest to issue Respondent a DEA registration. Respondent has failed to maintain effective controls against diversion as evidenced by its shipments to the California individual. Mr. Occhifinto has been convicted of two offenses related to the handling of controlled substances and listed chemicals. As recently as 1998, Respondent made a number of shipments of a listed chemical to an unregistered customer. Finally, no assurances have been made by Respondent that procedures are in place to prevent future transgressions. While Respondent has apparently hired a regulatory compliance officer, no evidence was presented concerning that individual's duties, responsibilities, and authority within Respondent. Also, no evidence was presented as to the extent of Mr. Occhifinto's participation in the daily operations of Respondent. As a result, the Deputy Administrator agrees with Judge Randall that one cannot ''adequately assess the weight to be given Mr. Occhifinto's prior egregious misconduct in determining the course of business to be followed in the future by the Respondent.'' Therefore, the Deputy Administrator concludes that Respondent's registration with DEA would be inconsistent with the public interest.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that the applications for registration as an exporter of List I chemicals and as a manufacturer for distribution of List I chemicals, submitted by NVE Pharmaceuticals, Inc., be, and they hereby are, denied. This order is effective December 2, 1999.

Dated: October 25, 1999.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 99–28603 Filed 11–1–99; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL LABOR RELATIONS BOARD

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: National Labor Relations Board.

TIME AND DATE: 1 p.m., Friday, October 29, 1999.

PLACE: Board Conference Room, Eleventh Floor, 1099 Fourteenth St., NW, Washington DC 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices); Section 6 (information of a personal nature); (9)(B) (disclosure would significantly frustrate implementation of a proposed Agency action) and (c)(10) (deliberation on adjudicatory matters).

MATTERS TO BE CONSIDERED: Personnel Matters and Case Adjudication.

CONTACT PERSON FOR MORE INFORMATION: John J. Toner, Executive Secretary, National Labor Relations Board, 1099 14th Street NW, Suite 11600, Washington, DC 20570, Telephone: (202) 273–1940.

Dated, Washington, DC, October 26, 1999.

By direction of the Board:

John J. Toner,

Executive Secretary, National Labor Relations Board.

[FR Doc. 99–28737 Filed 10–29–99; 2:27 pm]

BILLING CODE 7545–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–324, 50–325, 50–400, 50–261 and 72–3]

Carolina Power & Light Company; Brunswick Steam Electric Plant, Units Nos. 1 and 2; Shearon Harris Nuclear Power Plant, Unit No. 1; H.B. Robinson Steam Electric Plant, Unit No. 2; H.B. Robinson Steam Electric Plant, Unit No. 2 Independent Spent Fuel Storage Installation; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 and 72.50 approving the indirect transfer of Facility Operating Licenses DPR–23 for H.B. Robinson Steam Electric Plant Unit 2, DPR–62 for Brunswick Steam Electric Plant Unit 2, DPR–71 for Brunswick Steam Electric Plant Unit 1, and NPF–63 for Shearon Harris Nuclear Power Plant Unit 1, and Materials License SMN–2502 for storage of Robinson spent fuel in the Robinson Independent Spent Fuel Storage Installation (ISFSI), to the extent currently held by Carolina Power and Light Company (CP&L). The indirect transfers would be to a proposed new holding company of CP&L.

According to an application for approval filed by CP&L dated September 15, 1999, which was supplemented on October 8, 1999, CP&L is requesting the consent of the Nuclear Regulatory Commission to the indirect transfers that would result from a proposed corporate restructuring of CP&L. Under the proposed restructuring, a new holding company, CP&L Holdings, Inc. (''Holdings''), will be formed, which will become the parent of CP&L. Current holders of CP&L common stock will receive, on a one-for-one basis, shares of common stock of Holdings such that Holdings will own the common stock of CP&L. CP&L's ownership interests in, and its operation of, its nuclear facilities will not change. No direct transfer of the licenses will occur, as CP&L will continue to hold the licenses. No physical changes to the facilities or ISFSI, or operational changes are being proposed in the application.

Pursuant to 10 CFR 50.80 and 72.50, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the proposed transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By November 22, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon Steven Carr, Associate General Counsel, Legal Department, Carolina Power & Light Company, P.O. Box 1551, Raleigh, North Carolina 27602–1551, Voice (919) 546–4161, Fax (919) 546–3805, and E-mail steven.carr@cplc.com; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@nrc.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by December 2, 1999, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated September 15, 1999, and supplement dated October 8, 1999, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

Dated at Rockville, Maryland this 27th day of October 1999.

For the Nuclear Regulatory Commission.

Herbert N. Berkow,

Director, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–28597 Filed 11–1–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of November 1, 8, 15, and 22, 1999.

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

STATUS: Public and closed.

MATTERS TO BE CONSIDERED:

Week of November 1

Thursday, November 4

9:25 a.m. Affirmation Session (Public Meeting) (if needed)

9:30 a.m. Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: John Larkins, 301–415–7360)