

veterinarian in the practice of veterinary medicine, or hospital to possess certain small quantities of byproduct material for *in vitro* clinical or laboratory tests not involving the internal or external administration of the byproduct material or the radiation therefrom to human beings or animals. Possession of byproduct material under 10 CFR 31.11 is not authorized until the physician, clinical laboratory, veterinarian in the practice of veterinary medicine, or hospital has filed NRC Form 483 and received from the Commission a validated copy of NRC Form 483 with a registration number.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (<http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by June 9, 1999. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Erik Godwin, Office of Information and Regulatory Affairs (3150-0038), NEOB-10202, Office of Management and Budget, Washington, DC 20503

Comments can also be submitted by telephone at (202) 395-3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, MD, this 4th day of May 1999.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99-11673 Filed 5-7-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Type of submission, new, revision, or extension: Extension.

2. The title of the information collection: Exercise of Discretion for an Operating Facility, NRC Enforcement Policy (NUREG-1600).

3. The form number if applicable: Not applicable.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: Nuclear power reactor licensees and gaseous diffusion plant certificate holders.

6. An estimate of the number of responses: 38 annually.

7. The estimated number of annual respondents: 38.

8. An estimate of the total number of hours needed annually to complete the requirement or request: 2,280.

9. An indication of whether section 3507(d), Pub. L. 104-13 applies: Not applicable.

10. Abstract: The NRC's revised Enforcement Policy includes the circumstances in which the NRC may exercise enforcement discretion. This enforcement discretion is designated as a Notice of Enforcement Discretion (NOED) and relates to circumstances which may arise where a nuclear power plant licensee's compliance with a Technical Specification 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 for the specific plant conditions, or unnecessary delays in plant startup without a corresponding health and safety benefit. Similarly, for a gaseous diffusion plant, circumstances may arise where compliance with a Technical Safety Requirement or other certificate condition would unnecessarily call for a total plant shutdown, or, notwithstanding that a safety, safeguards or security feature was degraded or inoperable, compliance would unnecessarily place the plant in a transient or condition where those features could be required.

A licensee or certificate holder seeking the issuance of a NOED must provide a written justification, which

documents the safety basis for the request and provides whatever other information the NRC staff deems necessary to decide whether or not to exercise discretion.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (<http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by June 9, 1999. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Erik Godwin, Office of Information and Regulatory Affairs (3150-0136), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, MD, this 4th day of May 1999.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99-11675 Filed 5-7-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[IA 98-067]

In the Matter of Sheila N. Burns; Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

I

Sheila N. Burns was employed as a radiographer's assistant by International Radiography and Inspection Services, Inc. (IRIS or Licensee), Tulsa, Oklahoma. IRIS holds License No. 35-30246-01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 34. The license authorizes IRIS to possess and utilize sealed radiation sources in the performance of industrial radiography in accordance with the conditions specified in the license.

II

On November 7, 1998, Ms. Burns and another IRIS employee were performing radiography at Sagebrush Pipeline Equipment Company in Sapulpa, Oklahoma, using a radiographic exposure device (camera) containing approximately 87 curies of iridium-192. Ms. Burns was the radiographer's assistant on this job; the other IRIS employee was a radiographer. In accordance with 10 CFR 34.46, the radiographer's assistant was required to be under the personal supervision of the radiographer when using the radiographic exposure device or performing radiation surveys.

On November 9, 1998, the radiation safety officer for IRIS notified the NRC Operations Center in Rockville, Maryland, of an incident that occurred on November 7, 1998, involving Ms. Burns and the radiographer. The incident resulted in a radiation exposure to Ms. Burns in excess of the annual limit in 10 CFR 20.1201.

The NRC conducted an inspection and investigation to review the circumstances surrounding this incident, and identified numerous apparent violations of radiation safety requirements associated with this incident, many of which were committed deliberately. The results of the NRC investigation were described in an investigation report issued on January 5, 1999. The results of the inspection were described in an inspection report issued on March 3, 1999. On January 25, February 4, and March 18, 1999, respectively, the NRC conducted separate predecisional enforcement conferences with Ms. Burns, the radiographer, and IRIS representatives. The conferences were conducted to discuss the apparent violations and to assist the NRC in reaching enforcement decisions in this matter.

With respect to Ms. Burns, the NRC has determined that she engaged in the following acts of deliberate misconduct prohibited by 10 CFR 30.10(a)(i) that caused IRIS to be in willful violation of regulatory requirements by: (1) knowingly conducting radiography at a site at which there was no radiation survey instrument, contrary to the requirements of 10 CFR 34.25(a); (2) knowingly conducting radiography without performing radiation surveys each time the radiographic source was returned to its shielded position following an exposure, contrary to the requirements of 10 CFR 34.49(b); and (3) knowingly conducting radiography without wearing all required personal radiation monitoring equipment,

contrary to the requirements of 10 CFR 34.47(a). In addition, Ms. Burns knowingly provided false and misleading information to IRIS's radiation safety officer following the incident, contrary to the requirements of 10 CFR 30.10(a)(2). With regard to the latter violation, Ms. Burns knowingly provided IRIS officials with false information which was intended to cause them to believe that the radiographer was in the restroom at the time of the exposure incident, that she and the radiographer had followed radiation safety requirements regarding the use of radiation survey instruments and personal dosimetry, that she had inadvertently used a faulty alarm ratemeter that night, and that she and the radiographer had halted radiography work following her pocket dosimeter going off-scale.

III

The NRC must be able to rely on the Licensee and its employees to comply with NRC requirements, including the requirement to provide information that is complete and accurate in all material respects. Ms. Burns' deliberate misconduct, which caused IRIS to violate the Commission's regulations and resulted in a radiation exposure in excess of the annual limit in 10 CFR 20.1201, and her misrepresentations to IRIS officials, have raised serious doubt as to whether she can be relied upon to comply with NRC requirements, and to provide complete and accurate information to the NRC and its licensees.

Consequently, I lack the requisite reasonable assurance that licensed activities will be conducted in compliance with the Commission's requirements and that the health and safety of the public will be protected if Sheila N. Burns were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Sheila N. Burns be prohibited from any involvement in NRC-licensed activities for a period of 3 years from the date of this Order. Additionally, Sheila N. Burns is required to notify the NRC of her first employment in NRC-licensed activities following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Sheila N. Burns's conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

IV

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*, Effective Immediately, That:

1. Sheila N. Burns is prohibited for 3 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 Sheila N. Burns is currently involved with another licensee in NRC-licensed activities, she must immediately 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 3 years after the 3-year period of prohibition has expired, Sheila N. Burns shall, within 20 days of her acceptance of each employment offer involving NRC-licensed activities or her 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 she is, or will be, involved in NRC-licensed activities. In the first notification Ms. Burns shall include a statement of her commitment to compliance with regulatory requirements and the basis why the Commission should have confidence that she 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 Sheila N. Burns of good cause.

V

In accordance with 10 CFR 2.202, Ms. Burns 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 Ms. Burns 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: Rulemakings 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 IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and to Ms. Burns if the answer or hearing request is by a person other than Ms. Burns. If a person other than Ms. Burns 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 Ms. Burns 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.

Pursuant to 10 CFR 2.202(c)(2)(i), Ms. Burns may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

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. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated this 29th day of April 1999.

For the Nuclear Regulatory Commission.

Malcolm R. Knapp,

Deputy Executive Director for Regulatory Effectiveness.

[FR Doc. 99-11670 Filed 5-7-99; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[IA 99-002]

In the Matter of James S. Dawson; Order Prohibiting Involvement in NRC- Licensed Activities (Effective Immediately)

I

James S. Dawson was employed as a radiographer by International Radiography and Inspection Services, Inc. (IRIS or Licensee), Tulsa, Oklahoma. IRIS holds License No. 35-30246-01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 34. The license authorizes IRIS to possess and utilize sealed radiation sources in the performance of industrial radiography in accordance with the conditions specified in the license.

II

On November 7, 1998, Mr. Dawson and another IRIS employee were performing radiography at Sagebrush Pipeline Equipment Company in Sapulpa, Oklahoma, using a radiographic exposure device (camera) containing approximately 87 curies of iridium-192. Mr. Dawson was the radiographer on this job; the other IRIS employee was a radiographer's assistant. In accordance with 10 CFR 34.46, the radiographer's assistant was required to be under the personal supervision of Mr. Dawson when using the radiographic exposure device or performing radiation surveys. Thus, Mr. Dawson was responsible for assuring that certain NRC-licensed activities carried out by the radiographer's assistant were being performed appropriately and in compliance with NRC requirements.

On November 9, 1998, the radiation safety officer for IRIS notified the NRC Operations Center in Rockville, Maryland, of an incident that occurred on November 7, 1998 involving Mr. Dawson and the radiographer's assistant. The incident resulted in a radiation exposure to the radiographer's assistant in excess of the annual limit in 10 CFR 20.1201.

The NRC conducted an inspection and investigation to review the circumstances surrounding this incident, and identified numerous apparent violations of radiation safety requirements associated with this incident, many of which were committed deliberately. The results of the NRC investigation were described in an investigation report issued on January 5, 1999. The results of the

inspection were described in an inspection report issued on March 3, 1999. On January 25, February 4, and March 18, 1999, respectively, the NRC conducted separate predecisional enforcement conferences with the radiographer's assistant, Mr. Dawson, and IRIS representatives. The conferences were conducted to discuss the apparent violations and to assist the NRC in reaching enforcement decisions in this matter.

With respect to Mr. Dawson, the NRC has determined that he engaged in the following acts of deliberate misconduct prohibited by 10 CFR 30.10(a)(i) that caused IRIS to be in willful violation of regulatory requirements by: (1) knowingly conducting radiography at a site at which there was no radiation survey instrument, contrary to the requirements of 10 CFR 34.25(a); (2) knowingly conducting radiography without performing radiation surveys each time the radiographic source was returned to its shielded position following an exposure, contrary to the requirements of 10 CFR 34.49(b); (3) knowingly conducting radiography without wearing all of the required personal radiation monitoring equipment, contrary to the requirements of 10 CFR 34.47(a); (4) knowingly permitting the radiographer's assistant to resume work associated with licensed material after the radiographer's assistant's pocket dosimeter went off-scale and before a determination of the radiographer's assistant's radiation exposure had been made, contrary to the requirements of 10 CFR 34.47(d); and (5) knowingly failing to immediately contact the IRIS radiation safety officer after the radiographer's assistant's pocket dosimeter went off-scale, contrary to the requirements of IRIS's operating and emergency procedures (i.e., Item 3.1.2.1 IRIS' Radiation Safety Manual). In addition, Mr. Dawson knowingly provided false and misleading information to IRIS's radiation safety officer following the incident, contrary to the requirements of 10 CFR 30.10(a)(2). With regard to the latter violation, Mr. Dawson knowingly provided IRIS officials with false information which was intended to cause them to believe that Mr. Dawson was in the restroom at the time of the exposure incident, that he and the radiographer's assistant had followed radiation safety requirements regarding the use of radiation survey instruments and personal dosimetry, and that he had halted radiography work following the radiographer's assistant's pocket dosimeter going off-scale.