

3. Chartering and Field of Membership Issues.
4. Requests from Federal Credit Unions to Convert to a Community Charter.
5. Request to Charter a Low-Income Community Federal Credit Union.
6. Requests from Corporate Federal Credit Unions for Field of Membership Amendments.
7. Final Rule: Amendments to Part 704, NCUA's Rules and Regulations, Corporate Credit Unions.

**FOR FURTHER INFORMATION CONTACT:**

Becky Baker, Secretary of the Board,  
Telephone (703) 518-6304.

Becky Baker,

Secretary of the Board.

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BILLING CODE 7535-01-M

## NUCLEAR REGULATORY COMMISSION

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

**AGENCY:** U.S. 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:* Revision.
2. *The title of the information collection:* 10 CFR Part 55, "Operators' Licenses."
3. *The form number if applicable:* Not applicable.
4. *How often the collection is required:* As necessary in order for NRC to meet its responsibilities to determine the eligibility of applicants for operators' licenses and perform a review of applications and reports for simulation facilities submitted to the NRC.
5. *Who will be required or asked to report:* Holders of and applicants for facility (i.e., nuclear power, research, and test reactor) operating licenses and individual operators' licenses.
6. *An estimate of the number of responses:* 135.
7. *The estimated number of annual respondents:* 135.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 3,556 (approximately 964 hours of reporting burden and approximately 2,592 hours of recordkeeping burden).

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

10. *Abstract:* 10 CFR Part 55 of the NRC's regulations, "Operators' Licenses," specifies information and data to be provided by applicants and facility licensees so that the NRC may make determinations concerning the licensing of operators for nuclear power plants necessary to promote the health and safety of the public. The reporting and recordkeeping requirements contained in 10 CFR Part 55 are mandatory for the licensees and applicants affected.

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC. Members of the public who are in the Washington, DC, area can access the submittal via modem on the Public Document Room Bulletin Board (NRC's Advanced Copy Document Library) NRC subsystem at FedWorld, 703-321-3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1-800-303-9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703-487-4608. Additional assistance in locating the document is available from the NRC Public Document Room, nationally at 1-800-397-4209, or within the Washington, DC, area at 202-634-3273.

Comments and questions should be directed to the OMB reviewer by March 5, 1997: Edward Michlovich, Office of Information and Regulatory Affairs (3150-0018), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3084.

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

Dated at Rockville, Maryland, this 28th day of January 1997.

For the Nuclear Regulatory Commission.  
Gerald F. Cranford,  
Designated Senior Official for Information Resources Management.

[FR Doc. 97-2538 Filed 1-31-97; 8:45 am]

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[IA 97-004]

### James C. Nelson, Order Prohibiting Involvement In NRC-Licensed Activities (Effective Immediately)

I

Mr. James C. Nelson owns and operates Nelson Excavating, Inc. in Thomas, West Virginia. Nelson Excavating, Inc. (Licensee) holds By-product License No. 47-24923-02, issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30. The License was initially issued on June 24, 1987, and last renewed on September 17, 1992. The License authorizes the Licensee to use a Troxler Electronic Model 3400 series portable moisture density gauge for soil compaction measurements in accordance with the conditions specified therein. The License was extended for a period of five years on March 1, 1996, and will expire on September 30, 2002. On August 15, 1996, the Licensee discontinued licensed activities and transferred its gauge containing nominally 11 millicuries (mCi) of Cesium-137 and 44 mCi of Americium-241 to an authorized recipient. On August 15, 1996, the Licensee formally requested termination of its NRC License. The License is being terminated separately in accordance with this request.

II

On October 24, 1995, the NRC's Office of the Controller issued an Order Suspending License (Effective Immediately) to Nelson Excavating, Inc. suspending its License for the non-payment of fees in the amount of \$2,873.48, including late penalties of \$753.48. The Order required, among other things, that the Licensee immediately restrict its activities involving licensed material to safe, secure storage or appropriate disposal until notified by the NRC in writing that the License had been terminated. The Order became final on November 24, 1995, following the Licensee's failure to respond to the NRC or pay the fees within the 30 days specified in the Order.

During the period March 19 through April 1, 1996, NRC Region II conducted a special safety inspection of licensed activities to determine the status of the gauge and compliance with the October 24, 1995 Order. The inspection determined the following: (1) The Licensee used the gauge containing by-product material on November 6, 1995, and January 4, 1996, contrary to the requirements of the October 24, 1995,

Order; (2) The Licensee was using a different Radiation Protection Officer than that identified in Condition 11 of the License. The Licensee also represented to the NRC in a letter, dated September 17, 1992, that the individual named in the License was still acting as Radiation Protection Officer, when in fact the individual was not, contrary to the requirements of 10 CFR 30.9; and (3) The Licensee failed to test the licensed material for leakage at the required frequency contrary to Condition 14 of the License.

On May 15, 1996, NRC Region II management contacted the Licensee to discuss compliance with the October 24, 1995 Order. Mr. Nelson indicated that his licensed material had been used for the work conducted on November 6, 1995, and January 4, 1996, under another license and not that issued to Nelson Excavating, Inc. Additionally, he affirmed that he understood the provisions of the Order that the gauge was to be placed in storage and not used.

On June 11, 1996, a Demand for Information (DFI) was issued to the Licensee in order to obtain a written response regarding the two apparent uses of licensed material and the potential submittal of inaccurate information to the NRC on September 17, 1992. The Licensee's response was due on July 11, 1996.

Since the licensee was unresponsive to NRC's request in the DFI and numerous telephone inquiries, NRC Region II conducted another inspection at the Licensee's facility in Thomas, West Virginia, on August 14 and 15, 1996. During that inspection, eleven additional uses of the Licensee's gauge after issuance of the Order were identified through a review of gauge utilization records. Ten of the uses occurred following the May 15, 1996, discussions between NRC Region II and the Licensee confirming the Licensee's understanding of the Order. As a result of this inspection, the Licensee transferred the gauge to an authorized recipient and documented the transfer appropriately on August 15, 1996.

As a result of the NRC inspection and prompting by the NRC, the Licensee also submitted a written response to the DFI on August 15, 1996. The response admitted that the gauge was used on 13 occasions during the prohibition period. As an explanation, Mr. Nelson stated that he had reading and comprehension difficulties, and following his March 19, 1996, payment of backfees and receipt of a March 1, 1996, notice from NRC extending his license until September 30, 2002, he felt that he could use his license material. In addition, he stated

that he paid for it [the gauge], he owned it, and would use it accordingly. The DFI response further provided statements by two employees of the Licensee that they had not been instructed by Mr. Nelson not to use the gauge.

By letter, dated September 25, 1996, the Licensee and Mr. Nelson were requested to attend a predecisional enforcement conference to discuss the apparent violations, their root causes, and the corrective actions to preclude recurrence. As of the date of this Order, NRC has not received any response from Mr. Nelson, despite numerous attempts to contact him. Contact with the Office Manager for Nelson Excavating, Inc, however, indicated that due to personal problems, Mr. Nelson did not intend to respond.

Despite the lack of a response to NRC's September 25, 1996, letter, based on the information gathered during the inspections and in the response to the DFI, the following was concluded regarding Mr. Nelson's activities: (1) He deliberately provided information that he knew was inaccurate to the NRC regarding the identity of the Radiation Protection Officer in a September 17, 1992, letter; and (2) he deliberately permitted the use of the gauge containing licensed material on 13 occasions during the period that use of the gauge was prohibited by the October 24, 1995 Order. In addition, Mr. Nelson has failed to respond to numerous requests from the NRC regarding oversight of his NRC license. This failure caused the NRC to perform two onsite inspections to assure licensed activities were conducted in accordance with NRC regulations.

### III

Based on the above, it appears that James C. Nelson, the owner and operator of the Nelson Excavating, Inc., has engaged in deliberate misconduct in violation of 10 CFR 30.10(a)(1), in that he deliberately caused the Licensee to be in violation of 10 CFR 30.34 (a), Terms and Conditions of License, by permitting the use of the gauge containing licensed material on 13 occasions following the October 24, 1995 Order prohibiting use of the gauge, and in violation of 10 CFR 30.10(a)(2) in that he deliberately submitted information to the NRC regarding the identity of the RPO in a September 17, 1992 letter that he knew was inaccurate. Mr. Nelson's disregard for and failure to adhere to NRC regulations and an Order strongly suggests a lack of integrity which cannot be tolerated. As owner and operator of Nelson Excavating, Inc., Mr. Nelson was responsible for ensuring

that Nelson Excavating, Inc. conducted activities safely and in accordance with NRC requirements and the October 24, 1995, Order. The NRC must be able to rely on the Licensee, its officials, and employees to comply with NRC requirements and the terms of NRC Orders prohibiting the use of licensed materials, and to communicate to the NRC with candor and honesty.

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. Nelson were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Mr. Nelson be prohibited from any oversight of or involvement in NRC-licensed activities for a period of five years from the date of this Order. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. Nelson'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:

A. For a period of five years from the date of this Order, James C. Nelson is prohibited from any involvement in or exercising control over NRC-licensed activities. NRC-licensed activities are those activities which 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. This prohibition includes, but is not limited to: (1) using licensed materials or conducting licensed activities in any capacity within the jurisdiction of the NRC; and (2) supervising or directing any licensed activities conducted within the jurisdiction of the NRC.

B. Following the five-year period of prohibition outlined in Section IV.A above, at least five days prior to the first time that James C. Nelson engages in, or exercises control over, NRC-licensed activities, he shall notify the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, of the name, address, and telephone number of the NRC or Agreement State licensee and the location where the licensed activities will be performed. The notice shall be accompanied by a statement that James C. Nelson is committed to compliance with NRC 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 Mr. Nelson of good cause.

V

In accordance with 10 CFR 2.202, James C. Nelson 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, D.C. 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 James C. Nelson 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, Docketing and Service Section, 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 Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region II, 101 Marietta Street N.W., Suite 2900, Atlanta, GA 30323, and to James C. Nelson if the answer or hearing request is by a person other than James C. Nelson. If a person other than James C. Nelson 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 James C. Nelson or any other 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), James C. Nelson, or any other person adversely affected by this Order, 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 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. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated at Rockville, Maryland this 27th day of January 1997.

For the Nuclear Regulatory Commission.  
Edward L. Jordan,

*Deputy Executive Director for Regulatory Effectiveness, Program Oversight, Investigations and Enforcement.*

[FR Doc. 97-2536 Filed 1-31-97; 8:45 am]

BILLING CODE 7590-01-P

**[Docket Nos. 50-266 and 50-301]**

**Wisconsin Electric Power Company (Point Beach Nuclear Plant, Unit Nos. 1 and 2); Exemption**

I

Wisconsin Electric Power Company (the licensee) is the holder of Facility Operating License Nos. DRP-24 and DRP-27, which authorize operation of the Point Beach Nuclear Plant, Units 1 and 2, respectively. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facility consists of two pressurized-water reactors located at the licensee's site in Manitowoc County, Wisconsin.

II.

In its letter dated July 1, 1996, as supplemented November 18, 1996, the licensee requested an exemption from the Commission's regulations. Title 10 of the *Code of Federal Regulations*, Part 50, Section 60 (10 CFR 50.60), "Acceptance Criteria for Fracture Prevention Measures for Lightwater Nuclear Power Reactors for Normal Operation," states that all lightwater nuclear power reactors must meet the fracture toughness and material surveillance program requirements for

the reactor coolant pressure boundary as set forth in Appendices G and H to 10 CFR Part 50. Appendix G to 10 CFR Part 50 defines pressure/temperature (P/T) limits during any condition of normal operation, including anticipated operational occurrences and system hydrostatic tests to which the pressure boundary may be subjected over its service lifetime. It is specified in 10 CFR 50.60(b) that alternatives to the described requirements in Appendices G and H to 10 CFR Part 50 may be used when an exemption is granted by the Commission under 10 CFR 50.12.

To prevent low-temperature overpressure transients that would produce pressure excursions exceeding the P/T limits of Appendix G to 10 CFR Part 50 while the reactor is operating at low temperatures, the licensee installed a low-temperature overpressure protection (LTOP) system. The system includes pressure-relieving devices called power-operated relief valves (PORVs). The PORVs are set at a pressure low enough so that if an LTOP transient occurred, the mitigation system would prevent the pressure in the reactor vessel from exceeding the P/T limits of Appendix G to 10 CFR Part 50. To prevent the PORVs from lifting as a result of normal operating pressure surges (e.g., reactor coolant pumps starting or stopping) with the reactor coolant system in a water solid condition, the operating pressure must be maintained below the PORV setpoint. The maximum LTOP setpoint of 425 psig was approved May 20, 1980, with the issuance of Amendments 45 (DPR-24) and 60 (DPR-27) to the Point Beach operating licenses. This LTOP system received pressure input from the sensing taps located in the reactor coolant system hot leg and at the pressurizer. Subsequent evaluation determined that the methodology used to determine the LTOP system setpoint did not account for the differential pressure across the core during reactor coolant pump operation. A recent Westinghouse calculation (NSAL 93-005) indicated that with both reactor coolant pumps operating, the pressure at core midplane may be as much as 63 psig higher than at the pressure sensing points. To account for this differential pressure, which could cause the reactor vessel midplane pressure to exceed the ASME Section XI, Appendix G limits, the licensee implemented an administrative requirement in 1993 allowing only one reactor coolant pump in operation when reactor coolant temperature is below 160 oF. Plant operation with this restriction places an