

<p><i>Applicant</i> ..... Howard E. Evans, Veterinary College, Cornell University, Ithaca, NY 14853. <i>Activity for Which Permit is Requested</i> Take and Import into the United States The applicant will be leading a Cornell Adult University tour on a cruise ship in the Antarctic Peninsula and applicant proposes salvage carcasses and remains of penguins, birds or seals as study materials. These materials will be imported to the U.S. and stored in the Cornell University Collections for use as teaching aides or in research. <i>Location</i> Various sites within the Antarctic Peninsula Area <i>Dates</i> January 7, 1998 to January 21, 1998</p>	<p>Permit Application: 98-020.</p>
<p>2. <i>Applicant</i> ..... Rennie S. Holt, Chief Scientist, AMLR Program, Southwest Fisheries Science Center, National Marine Fisheries Service, 8604 La Jolla Shores Drive, La Jolla, CA 92093. <i>Activity for Which Permit is Requested</i> Taking, Import into the United States, and Enter Site of Special Scientific Interest. The applicant will be conducting ship-supported and land-based studies in the region of the Antarctic Peninsula. Studies encompassing census surveys, attendance, energetics, foraging, and long term monitoring (censusing/tagging) of Antarctic fur seals (<i>Arctocephalus gazella</i>) will be initiated at the newly established AMLR Program campsite at Cape Shirreff, Livingston Island and continued at their existing camp on Seal Island. Up to 80 adult and 1180 pups will be captured and tagged. In addition up to 40 female/pup pairs will be captured to quantify the foraging costs of maternal investment in pups associated with changes in foraging strategies observed. Energetic costs and benefits of different foraging patterns can be determined by simultaneous measurements of energy expenditure (isotope), food intake (isotope), dive depth, duration, time of day and dive frequency (via TDR's), swim speed (TDR), and foraging location (satellite transmitter). Attendance information collected from these instrumented females will address issues such as (a) prey availability and subsequent impact on females and pups, and (b) attendance-related factors of pup growth. Milk extraction and gastric lavage/intubation will be used for energetic studies, providing trophic information. In addition the applicant proposes to salvage bones and carcasses of dead seals for importation to the U.S. These materials will be stored at the Southwest Fisheries Science Center for education and research purposes. <i>Location</i> Cape Shirreff, Livingston Island (SSSI #32), Byers Peninsula (SSSI #6), South Shetland Island, Antarctic Peninsula. <i>Dates</i> January 1, 1998 to April 1, 2001.</p>	<p>Permit Application: 98-021.</p>

**Nadene G. Kennedy,**  
*Permit Officer.*  
[FR Doc. 97-31585 Filed 12-1-97; 8:45 am]  
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**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:* New.
2. *The title of the information collection:* Joint NRC/EPA Survey of Sewage Sludge/Ash.
3. *The form number if applicable:* None.
4. *How often the collection is required:* This is a one-time collection.
5. *Who will be required or asked to report:* Selected publicly owned treatment works (POTWs), and Agreement States.
6. *An estimate of the number of responses:* 600 POTWs for the questionnaire and 300 POTWs for sample collection, plus 30 Agreement States for reporting of licensees associated with Zip Codes.
7. *An estimate of the total number of hours needed annually to complete the*

*requirement or request:* An average of 1 hour per respondent for questionnaire and 6 hours each for selected respondents for collecting samples, plus 8 hours each for 30 Agreement States. The total burden is 2,640 hours.

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

9. *Abstract:* The survey will obtain national estimates of high probability occurrences of elevated levels of radioactive materials in sludge and ash at POTWs, estimate the extent to which radioactive contamination comes from either NRC/Agreement State licensees or from naturally-occurring radioactivity, and support possible rulemaking decisions by NRC and EPA. NRC and EPA will send questionnaires to selected POTWs. Based on the results of that survey, NRC and EPA will identify approximately 300 POTWs from which samples of sewage sludge/ash will be taken and analyzed. Results of the full survey will be published for use by

Federal agencies, States, POTWs, local POTW officials and other interested parties.

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW (lower level), Washington, DC. OMB clearance packages are available at the NRC worldwide web site (<http://www.nrc.gov>) under the FedWorld collection link on the home page tool bar. 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 by January 2, 1998. Norma Gonzales, Office of Information and Regulatory Affairs (3150- ) 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, Maryland, this 24th day of November 1997.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer.*

[FR Doc. 97-31518 Filed 12-1-97; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[IA 97-087]

### Finis Scott Bandy; Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

#### I

Finis Scott Bandy was formerly employed by Omaha Public Power District (OPPD) as an instrumentation and control technician at OPPD's Fort Calhoun Station nuclear power plant, Blair, Nebraska. OPPD holds license No. DPR-40, issued August 9, 1973, by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50. The license authorizes the operation of the Fort Calhoun Station (FCS) in accordance with the conditions specified therein.

#### II

In August 1996, the NRC inspected access authorization files during an NRC security inspection at FCS. The NRC raised a question about arrest information that Mr. Bandy had supplied to OPPD during the course of 1993, in connection with his application for unescorted access to the plant. The information in question pertained to

whether Mr. Bandy had been arrested for theft of personal property, as certain documents in his file appeared to indicate, or had been arrested for excessive speed while driving, as Mr. Bandy claimed. As a result of the NRC's questions, OPPD agreed to interview Mr. Bandy in the presence of the NRC inspector. During the interview, Mr. Bandy denied that he had been arrested for theft and asserted that the only charge he was aware of involved excessive speed while driving.

Based on further questions about the accuracy of Mr. Bandy's statements and the information provided by him, Mr. Bandy's unescorted access to FCS was temporarily suspended on August 22, 1996. On August 26, 1996, OPPD terminated Mr. Bandy's employment and revoked his unescorted access to FCS. OPPD then conducted an investigation and determined that: (1) The only charge brought against Mr. Bandy in 1991 was a charge of theft of personal property; (2) copies of court records provided to OPPD by Mr. Bandy had been altered to make it appear that the charge had been for speeding; and (3) Mr. Bandy made false statements when questioned about his criminal history in 1993 by OPPD and in 1996 when questioned by OPPD and the NRC during its inspection. The NRC's investigation of this matter concluded that Mr. Bandy deliberately falsified criminal history information submitted to OPPD in 1993, and provided false information to OPPD and an NRC inspector when questioned about this in August 1996.

On July 22, 1997, the NRC issued a Demand for Information to Mr. Bandy, seeking information as to why the NRC should not conclude that he engaged in deliberate misconduct and, if so, why the NRC should not prohibit his involvement in NRC-licensed activities. On July 29, 1997, Mr. Bandy contacted the NRC's Office of Enforcement, indicated that he had no interest in being involved in NRC-licensed activities, and indicated that he would be willing to consent to an order prohibiting his involvement in NRC-licensed activities. On August 19, 1997, the NRC sent a letter to Mr. Bandy formally seeking his consent to a confirmatory order prohibiting his involvement in NRC-licensed activities for five years. Mr. Bandy failed to respond to this letter or to NRC efforts to contact him.

#### III

Based on the above, the NRC has concluded that Mr. Bandy engaged in deliberate misconduct in 1993 and in August 1996, by: (1) Deliberately falsely

stating to OPPD during the course of 1993 that he had been convicted in 1991 of excessive speeding while driving when, in fact, he had been convicted of theft of personal property, and by deliberately altering copies of court records that were provided to OPPD; and (2) deliberately falsely stating in August 1996 to OPPD and an NRC inspector that he had been convicted in 1991 of excessive speeding while driving. These actions constituted a violation of 10 CFR 50.5(a)(2), which prohibits an individual from deliberately submitting to the NRC or a licensee information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC. In this case, the information that Mr. Bandy provided regarding his personal history was material because licensees are required to consider such information in making unescorted access determinations in accordance with the requirements of 10 CFR 73.56.

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. Mr. Bandy's actions in deliberately providing false information to the licensee and to the NRC constitute deliberate violations of Commission regulations. His conduct raises serious doubt about his trustworthiness and reliability; particularly whether he can be relied upon to comply with NRC requirements and to provide complete and accurate information to NRC licensees in the future.

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 would be protected if Mr. Bandy were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Mr. Bandy be prohibited from any involvement in NRC-licensed activities for a period of five years from the date of this Order. Additionally, Mr. Bandy is required to notify the NRC of his first employment in NRC-licensed activities following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. Bandy's conduct described above is such that the public health, safety and interest require that this Order be effective immediately.