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.

IV

Accordingly, pursuant to Sections 103, 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 and 10 CFR Part 50, It is hereby ordered, effective immediately, that:

1. Finis Scott Bandy is prohibited from involvement in activities licensed by the NRC for a period of 5 years. NRC-licensed activities are those 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 Finis Scott Bandy is currently involved with another employer in NRC-licensed activities, he must immediately cease such 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 the five-year period after the above period has expired, Mr. Bandy will notify the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, within 20 days of the first time he accepts employment in NRC-licensed activities, as defined in Paragraph IV.1 above. In the notification, he will include a statement of his commitment to comply with regulatory requirements and address why the NRC should have confidence that he will comply with regulatory requirements, and the name, address and telephone number of his employer or entity where he will be involved in licensed activities.

The Director, Office of Enforcement, may relax or rescind, in writing, any of the above conditions upon a showing by Mr. Bandy of good cause.

V

In accordance with 10 CFR 2.202, Mr. Bandy must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing within 20 days of its issuance. 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 Mr. Bandy, or any other such 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, D.C. 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and to Mr. Bandy. If a person other than Mr. Bandy 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. Bandy 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), Mr. Bandy 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 a 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 at Rockville, Maryland this 19th day of November 1997.

For The Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

[FR Doc. 97–31521 Filed 12–1–97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–382]

Entergy Operations, Inc.; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–38 issued to Entergy Operations Inc., (the licensee) for operation of the Waterford Steam Electric Station, Unit 3, located in St. Charles Parish, Louisiana.

The proposed amendment would increase the Spent Fuel Pool storage capacity and increase the maximum fuel enrichment from 4.9 w/o (nominal weight percent) to 5.0 w/o U–235. This proposed modification will be accomplished by removing the existing racks in the Spent Fuel Pool and replacing them with higher density racks. The neutron absorber (BORAL) for the new racks, has been licensed by the NRC for use in other nuclear power plant spent fuel storage applications.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below.

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

In the analysis of the safety issues concerning the expanded pool storage capacity, the following previously postulated accident scenarios have been considered:

a. A spent fuel assembly drop in the Spent Fuel Pool.