for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;

• Enhance the quality, utility and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Agency: Institute of Museum and Library Services.

Title: IMLS OMS Guidelines, Interim and Final Performance Reports.

OMB Number: 3137–0029.

Agency Number: 3137.

Frequency: Once.

Affected Public: Eligible museums.

Number of Respondents: 679.

Estimated Time Per Respondent: 1–40 hours (time varies by form, please see chart).

Total Burden Hours: 6,751.

Total Annualized capital/startup costs: 0.

Total Annual Costs: 0.

FOR FURTHER INFORMATION CONTACT: Tania Said, Public Information Officer, Institute of Museum and Library Services, 1100 Pennsylvania Avenue, N.W., Washington, DC 20506, telephone (202) 606–4646.

Tania Said,

Public Information Officer.

Title of publication	Burden hours
Museum Assessment Program (MAP) Grant and Application Guidelines	2 hours.
MAP Final Performance Report	1 hour.
Conservation Assessment Program (CAP) Grant and Application Guidelines	1 hour.
CAP Final Performance Report	1 hour.
Conservation Project (CP) Grant Application and Guidelines	9 hours.
CP Interim Performance Report	1 hour.
CP Final Performance Report	1 hour.
General Operating Support (GOS) Grant Application and Guidelines	18 hours.
GOS Final Performance Report	1 hour.
Professional Services Program (PSP) Grant Application and Guidelines	4 hours.
PSP Interim Performance Report	1 hour.
PSP Final Performance Report	1 hour.
Museum Leadership Initiative (MLI) Grant Application and Guidelines	40 hours.
MLI Final Performance Report	1 hour.

For public distribution.

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NUCLEAR REGULATORY COMMISSION

[IA 97–065]

Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately) Pending Further Order; Aharon Ben-Haim, Ph.D., Upper Montclair, New Jersey

I

Aharon Ben-Haim, Ph.D. (Dr. Ben-Haim), Medical Physicist, Upper Montclair, New Jersey, is a consultant for Newark Medical Associates, P.A. (licensee), the holder of Byproduct Nuclear Material License No. 29–30282–01 (license) issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 30. The license authorizes possession and use of any radiopharmaceutical identified in 10 CFR 35.200 for any imaging and localization procedure approved in 10 CFR 35.200. The license was originally issued on September 25, 1996, and is due to expire on September 30, 2001.

II

On January 29, 1997, the NRC conducted an inspection at the licensee's facility in Newark, New Jersey. During the inspection, several apparent violations of NRC requirements were identified. One of the violations involved the continued use of radioactive material by the licensee despite the fact that the only authorized user listed on the license (who was also listed as the Radiation Safety Officer (RSO)), had not ever performed any authorized user or RSO duties and had not ever been affiliated with the company. Specifically, Gerard W. Moskowitz, M.D. (Dr. Moskowitz), was listed on the application as the RSO and authorized user without his knowledge. Dr. Moskowitz did not become aware that he was listed on the application and the license until notified by the NRC on February 6, 1997, more than four months after the license was originally issued.

Subsequent to the inspection, the NRC verified, based on an investigation by the NRC Office of Investigations (OI), that the licensee's letter, dated February 22, 1996, signed by Dr. Elamir, licensee President, transmitting the license application (NRC Form 313) dated February 2, 1996, was inaccurate in that it listed Dr. Moskowitz as the authorized user and Radiation Safety Officer without Dr. Moskowitz's consent or knowledge, and without Dr. Moskowitz ever having been affiliated or associated with the licensee. Further, Dr. Moskowitz did not ever perform the role of RSO at the licensee's facility. The NRC also learned that Dr. Ben-Haim, in his capacity as a consultant, had completed the license application for Dr. Elamir. As such, the licensee's application for a license to possess and use byproduct material was provided with information that was not complete and accurate in all material respects. These inaccurate statements in the licensee's application, signed by Dr. Elamir, and prepared by Dr. Ben-Haim, formed, in part, the basis for the issuance of the license to Newark Medical Associates on September 25, 1996. Further, the licensee continued to conduct NRC-licensed activities even though Dr. Ben-Haim, as the licensee consultant, knew that the licensee did not have an RSO.

III

Although the NRC staff's review of the results of the OI investigation is ongoing, the evidence that NRC has obtained indicates that Dr. Ben-Haim's actions in causing violations of NRC requirements were deliberate. The NRC

must be able to rely on the licensee and its employees and consultants/contractors to comply with NRC requirements. Condition No. 13 of the license required that each use of material by the licensee be done by, or under the supervision of Dr. Moskowitz as the authorized user named therein. NRC requires that the RSO named on the license implement a radiation safety program as required by 10 CFR 35.21. NRC requires that all communications between the licensee and the NRC be complete and accurate in all material respects, pursuant to 10 CFR 30.9. Pursuant to 10 CFR 30.10, deliberate misconduct on the part of a licensee or its employee or contractor is prohibited. The term ''deliberate misconduct'' includes an intentional act that the person knows would violate a Commission requirement. The evidence to date demonstrates that Dr. Ben-Haim, acting in violation of 10 CFR 30.10, deliberately caused the licensee to be in violation of NRC requirements by the licensee's conducting licensed activities without the authorized user or RSO named on the license application and on the NRC license.

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 Dr. Ben-Haim were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Dr. Ben-Haim be prohibited from any involvement in NRC-licensed activities pending further order. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Dr. Ben-Haim'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 and 10 CFR 30.10, part 35, and 10 CFR 150.20, It is hereby ordered that, effective immediately,

1. Pending further Order, Dr. Ben-Haim is prohibited from engaging in NRC-licensed activities. This prohibition applies to Dr. Ben-Haim as an employee, contractor, consultant, or other agent of a license and includes, but is not limited to: (1) Any use of NRC-licensed materials; (2) supervising licensed activities, including (but not limited to) hiring of individuals engaged in licensed activities or directing or managing individuals engaged in licensed activities; (3) radiation safety activities including (but not limited to) functions of the Radiation Safety Officer; and (4) development of license applications, procedures, and policies to meet license requirements, providing training to meet license requirements, and providing professional services to meet license requirements. 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 in areas of NRC jurisdiction pursuant to the authority granted by 10 CFR 150.20.

2. If Dr. Ben-Haim is currently involved in NRC-licensed activities other than at Newark Medical Associates, P.A., he must, as of the effective date of this Order: (1) Immediately cease such activities; (2) inform the NRC of the name, address and telephone number of the NRC-licensed entity or entities where the activities are being conducted; and (3) provide a copy of this order to all such NRC-licensed entities.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by the licensee of good cause.

IV

In accordance with 10 CFR 2.202, Dr. Ben-Haim 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. Dr. Ben-Haim may consent to this Order. Unless Dr. Ben-Haim consents to this Order, Dr. Ben-Haim 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 Dr. Ben-Haim 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: 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 I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, and to Dr. Ben-Haim if the answer or hearing request is by a person other than Dr. Ben-Haim. If a person other than Dr. Ben-Haim 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 Dr. Ben-Haim 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), Dr. Ben-Haim 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 at Rockville, Maryland this 31st day of July 1997.

For the Nuclear Regulatory Commission.

Edward L. Jordan,

Deputy Executive Director for Regulatory Effectiveness.

[FR Doc. 97–21364 Filed 8–12–97; 8:45 am]

BILLING CODE 7590–01–P