

For the Nuclear Regulatory Commission.
Gerald F. Cranford,
*Designated Senior Official for Information
Resource Management.*
[FR Doc. 96-10347 Filed 4-25-96; 8:45 am]
BILLING CODE 7590-01-P

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: Revision.
2. The title of the information
collection: NRC Form 483, "Registration
Certificate—*In Vitro* Testing with
Byproduct Material under General
License."
3. The form number if applicable:
NRC Form 483.
4. How often the collection is
required: There is a one-time submittal
of information to receive a validated
copy of NRC Form 483 with an assigned
registration number. In addition, any
changes in the information reported on
NRC Form 483 must be reported in
writing to the Commission within 30
days after the effective date of such
change.
5. Who will be required or asked to
report: Any physician, veterinarian in
the practice of veterinary medicine,
clinical laboratory or hospital which
desires a general license to receive,
acquire, possess, transfer, or use
specified units of byproduct material in
certain *in vitro* clinical or laboratory
tests.
6. An estimate of the number of
responses: 104 registration certificates
from NRC licensees and 260 registration
certificates from Agreement State
licensees.
7. The estimated number of annual
respondents: 104 NRC licensees and 260
Agreement State licensees.
8. An estimate of the total number of
hours needed annually to complete the
requirement or request: 42 hours or

approximately 7 minutes per NRC or
Agreement State licensee.

9. An indication of whether Section
3507(d), Public Law 104-13 applies: Not
applicable.

10. Abstract: Section 31.11 of 10 CFR
establishes a general license authorizing
any physician, clinical laboratory,
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 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
Advance 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 May
28, 1996.

Peter Francis, 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) 395-3084.

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

Dated at Rockville, Maryland, this 18th day
of April 1996.

For the Nuclear Regulatory Commission.
Gerald F. Cranford,
*Designated Senior Official for Information
Resources Management.*
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[IA 96-020]

Mr. Juan Guzman; Order Prohibiting Unescorted Access or Involvement in NRC-Licensed Activities Effective Immediately

I

Mr. Juan Guzman was employed as a
contractor by the Baltimore Gas &
Electric Company (BG&E) at the Calvert
Cliffs facility (Licensee), which holds a
license issued by the Nuclear Regulatory
Commission (NRC or Commission)
pursuant to 10 CFR Part 50. The license
authorizes the operation of the Calvert
Cliffs Nuclear Power Plant, Units 1 & 2
(facilities) in accordance with the
conditions specified therein. The
facility is located on the Licensee's site
in Lusby, Maryland.

II

In a Licensee Event Report issued by
BG&E on November 16, 1994, the NRC
received information from BG&E
indicating that BG&E had revoked Mr.
Guzman's unescorted access
authorization and removed him from
the protected area in October 1994 after
it became aware through an
investigation by the Immigration and
Naturalization Service and State
Department, that Mr. Guzman was an
illegal alien.

Mr. Guzman's unescorted access to
the site initially had been granted by
BG&E on February 23, 1993 based, in
part, on his submittal of a "green card"
and social security card during the
initial interview process, both of which
were represented as authentic when, in
fact, they were not. In addition, when
questioned on prior occasions by the
Licensee regarding an arrest record
obtained as a result of fingerprints
submitted to the FBI, Mr. Guzman
repeatedly denied that the arrest record
belonged to him, even though it did. Mr.
Guzman's falsification of background
information, combined with his
subsequent denials to the Licensee,
constitute a significant regulatory
concern.

The NRC regulations in 10 CFR 73.56
and 73.57 were established, in part, to
provide high assurance that individuals
granted unescorted access are
trustworthy and reliable. Mr. Guzman's
actions in this matter did not
demonstrate that trustworthiness, and
constitute a violation of the
requirements of 10 CFR 50.5,
"Deliberate Misconduct," because Mr.
Guzman deliberately submitted to the
Licensee information that he knew was
incomplete or inaccurate in some
respect material to the NRC.

III

Although Mr. Guzman was terminated from employment at Calvert Cliffs in October 1994, his actions in this matter raise serious concerns as to whether he can be relied upon to comply with NRC requirements. Therefore, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204, in order for the Commission to determine whether further enforcement action should be taken against Mr. Guzman to ensure compliance with NRC regulatory requirements, the NRC sent him a Demand for Information (DFI) on January 2, 1996. The DFI required Mr. Guzman to provide the NRC a response that: (1) Identifies whether he is currently employed by any company subject to NRC regulation and, if so, describes in what capacity; (2) describes why the NRC should permit him to be involved in licensed activities in the future or have confidence that he will comply with NRC requirements if currently employed in an NRC-regulated activity, including requirements to provide complete and accurate information; and (3) explains why the NRC should not conclude that his actions in providing false information to the Licensee were done deliberately.

In a letter dated February 7, 1996, Mr. Guzman responded to the DFI. In that response, Mr. Guzman stated that: (1) he was not currently employed by any company subject to NRC regulation; (2) at no time was he cited for a procedure or safety violation while employed at Calvert Cliffs; and (3) the sole reason he did not disclose that he was an illegal alien was his fear of deportation. He also admitted that he did deliberately, but without malice or intent, deceive the Licensee about his work background and experience, but did so solely out of fear of deportation; pointed out an inaccuracy in the DFI in that while he did apply for a passport under another name, he never pursued the document; requested that, if the NRC decided to prohibit him from working for an NRC licensee, consideration be given to the 15 months that had elapsed since his termination; and noted that the Immigration and Naturalization Service granted him legal resident status in the United States in January 1996.

IV

Notwithstanding his motives in providing false information to the Licensee, it is clear, as Mr. Guzman admitted in his response, that he provided false information to the Licensee, and did so deliberately. In

doing so, Mr. Guzman engaged in deliberate misconduct in violation of 10 CFR 50.5(a)(2), in that he deliberately submitted to the Licensee information that he knew to be inaccurate in some respect material to the NRC. Such behavior cannot be tolerated by the NRC.

The NRC must be able to rely on its licensees and their employees, including contractor employees, to comply with NRC requirements, including the requirement to provide information that is complete and accurate in all material respects. Mr. Guzman's actions in knowingly falsifying background information and his identity in an attempt to avoid discovery and gain access to the Calvert Cliffs facility, and his false statements to Licensee officials when questioned about his background and identity, have raised serious doubt as to whether he 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: (1) Mr. Guzman will conduct NRC-licensed activities in compliance with the Commission's requirements; and (2) the health and safety of the public will be protected if Mr. Guzman is granted unescorted access to NRC-licensed facilities at this time. Therefore, I find that the public health, safety, and interest require that Mr. Guzman be prohibited from involvement in NRC-licensed activities for five years from the date of the termination of his unescorted access by BG&E on October 18, 1994. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of the misconduct described above is such that the public health, safety, and interest require that this Order be immediately effective.

V

Accordingly, pursuant to sections 103, 161b, 161i, 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 50.5, it is hereby ordered, effective immediately, that:

A. For a five-year period from October 18, 1994, the date of the termination of his unescorted access by BG&E, Mr. Juan Guzman is prohibited from engaging in NRC-licensed activities. For the purpose of this paragraph, NRC-licensed activities include licensed activities of: (1) an NRC licensee; (2) an Agreement State licensee conducting licensed activities in NRC jurisdiction pursuant to 10 CFR 150.20; and (3) an Agreement State licensee involved in

distribution of products that are subject to NRC jurisdiction.

B. For a five-year period from October 18, 1994, the date of the termination of his unescorted access by BG&E, Mr. Juan Guzman is prohibited from obtaining unescorted access at a NRC-licensed facility.

The Director, OE, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Guzman of good cause.

VI

In accordance with 10 CFR 2.202, Mr. Guzman 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 Mr. Guzman 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 Mr. Guzman if the answer or hearing request is by a person other than Mr. Guzman. If a person other than Mr. Guzman requests a hearing, that person shall set forth with particularity the manner in which his 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. Guzman 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. Guzman 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 final 20 days from the date of this Order without further order or proceedings. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated at Rockville, Maryland this day of April 1996.

For the Nuclear Regulatory Commission.

James L. Milhoan,

Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations, and Research.

[FR Doc. 96-10349 Filed 4-25-96; 8:45 am]

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POSTAL RATE COMMISSION

[Docket No. A96-14; Order No. 1109]

Forest Grove, Montana 59441: (May A. Charbonneau, Petitioner); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued April 22, 1996.

Before Commissioners: Edward J. Gleiman, Chairman; W.H. "Trey" LeBlanc III, Vice-Chairman; George W. Haley; H. Edward Quick, Jr.

Docket Number: A96-14.

Name of Affected Post Office: Forest Grove, Montana 59441.

Name(s) of Petitioner(s): May A. Charbonneau.

Type of Determination: Consolidate.

Date of Filing of Appeal Papers: April 15, 1996.

Categories of Issues Apparently Raised:

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].
2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. 404(b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

The Commission Orders

(a) The Postal Service shall file the record in this appeal by April 30, 1996.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission.
Margaret P. Crenshaw,
Secretary.

Appendix

April 15, 1996: Filing of Appeal letter

April 22, 1996: Commission Notice and Order of Filing of Appeal

May 10, 1996: Last day of filing of petitions to intervene [see 39 CFR 3001.111(b)]

May 20, 1996: Petitioner's Participant Statement or Initial Brief [see 39 CFR 3001.115 (a) and (b)]

June 10, 1996: Postal Service's Answering Brief [see 39 CFR 3001.115(c)]

June 24, 1996: Petitioner's Reply Brief should Petitioner choose to file one [see 39 CFR 3001.115(d)]

July 1, 1996: Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 CFR 3001.116]

August 20, 1996: Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. 404(b)(5)]

[FR Doc. 96-10340 Filed 4-25-96; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[File No. 1-10589]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (CII Financial, Inc., 7½% Convertible Subordinated Debentures Due 2001)

April 22, 1996.

CII Financial, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security ("Security") from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

Pursuant to an Indenture dated September 15, 1991 (the "indenture"), the Company issued the Security. The Security was originally convertible into the Company's common stock, and both the Security and the common stock were listed on the Amex.

On October 31, 1995, Sierra Health Services, Inc., a Nevada corporation ("Sierra"), acting through a wholly-owned subsidiary, acquired the Company by a subsidiary merger (the "Merger") in which the Company became a wholly-owned subsidiary of Sierra. Sierra is a public company whose common stock is listed for trading on the New York Stock Exchange, Inc. and which is required to file reports under the Act. In connection with the Merger, each outstanding share of the Company's common stock was converted into 0.37 of a share of Sierra's common stock (the "Exchange Ratio"). In November 1995, the Amex filed a Form 25 notifying the SEC that the Amex had removed the Company's common stock from listing and registration on the Amex.

At the effective time of the Merger, the Security ceased being convertible into the Company's common stock and became convertible into Sierra's common stock. Sierra has not otherwise assumed the Company's obligations under the Security and has not guaranteed the payment of principal, interest or premium, if any, thereon.

On March 22, 1996, Securities in the aggregate principal amount of \$58,600,000 were outstanding and were held of record by fewer than 50 persons.

In making the decision to withdraw the Security from listing on the Amex,