ESTIMATED TOTAL BURDEN HOURS—Continued

Cite reference	Total respondents [1]	Frequency	Total responses	Average time per response	Burden hours
Employer Customer Satisfaction—ETA–9124C	4,400	Ongoing	4,400	8 mins	587
Financial Status Report (SF–269)	69	Quarterly and Final.	345	1 hour 15 mins.	431
Grant Planning—SF–424A	69	Annually	69	3 hours	207
Grant Planning—SF–424	69	Annually	69	45 hours	1,725
Sub Total ETA Forms			324,940	8 mins	42,590

[1] The total respondents will likely vary from year to year.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: January 27, 2006.

John R. Beverly, III,

Administrator, Office of National Programs.

[FR Doc. E6–1555 Filed 2–3–06; 8:45 am]

BILLING CODE 4510–30–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 55, Operators Licenses.

2. *Current OMB approval number:* 3150–0018.

3. *How often the collection is required:* As necessary for NRC to meet its responsibilities to determine the eligibility of applicants for operators' licenses, prepare or review initial operator licensing and requalification examinations, and review applications for and performance of simulation facilities.

4. *Who is 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.

5. *The number of annual respondents:* 240.

6. *The number of hours needed annually to complete the requirement or request:* 67,060.

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

Submit, by April 7, 2006, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail to *INFOCOLLECTS@NRC.GOV.*

Dated at Rockville, Maryland, this 30th day of January 2006.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of Information Services.

[FR Doc. E6–1586 Filed 2–3–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[EA 05–110]

In the Matter of Alfred C. Burris, Senior, M.D.; Confirmatory Order (Effective Immediately)

Alfred C. Burris, Senior, M.D. (Dr. Burris) is a self-employed cardiologist, who is licensed to practice medicine in the State of Maryland and the District of Columbia. Dr. Burris submitted an application for an NRC license dated February 2, 2004, to authorize use of byproduct material for diagnostic nuclear medicine.

An investigation was initiated by the NRC Office of Investigations (OI) on May 24, 2004, (OI Case No. 1–2004–028) to determine if Dr. Burris submitted inaccurate and/or misleading information to the NRC in his NRC application to be the sole authorized user (AU) as well as the Radiation Safety Officer (RSO) on a license for use of byproduct material for medical imaging and diagnostic purposes. During the course of this investigation, OI identified that an NRC licensee, a mobile cardiac imaging company, may have provided the same inaccurate information in support of their amendment request to add Dr. Burris and another physician to its NRC materials license as Authorized Users. On August 6, 2004, OI initiated a separate investigation (OI Case No. 1–2004–034) to determine if Dr. Burris submitted false information to an NRC

licensee to become an AU on their existing NRC license. Based on the evidence developed during its investigations, OI concluded that Dr. Burris deliberately submitted false and/or inaccurate information (1) to the NRC as an applicant for an NRC license and (2) to an NRC licensee with the purpose to become an AU on their existing NRC license. The results of the two investigations were completed by OI on April 15, 2005 and June 15, 2005, and were sent to Dr. Burris in two letters dated September 15, 2005.

Subsequent to becoming aware of the details of the apparent violation, Dr. Burris took several prompt actions to assure that these events would not recur. These actions included: (a) Correcting inaccurate information for the record in a letter dated July 26, 2004; (b) providing details of the violation to associates in the process of getting character references; (c) supplementing his work experience in May 2004, when he began working with the nuclear medicine technologists at Greater Southeast Community Hospital; and (d) undertaking efforts to better understand regulatory requirements through self study and review of his consultant's letter of May 4, 2004.

In response to the NRC's September 15, 2005 letters, Dr. Burris requested the use of Alternative Dispute Resolution (ADR) to resolve this apparent violation and pending enforcement action. ADR is a process in which a neutral mediator, with no decision-making authority, assists the NRC and the individual to resolve any disagreements on whether a violation occurred, the appropriate enforcement action, and the appropriate corrective actions. An ADR session was held between Dr. Burris and the NRC in Rockville, MD, on December 1, 2005, and was mediated by a professional mediator, arranged through Cornell University's Institute of Conflict Management. During that ADR session, a settlement agreement was reached. The elements of the settlement agreement consisted of the following:

1. Dr. Burris agreed that he was in violation of NRC requirements when, in an application for a new NRC license, dated February 2, 2004, Dr. Burris submitted inaccurate information contrary to 10 CFR 30.9(a). Specifically, his application indicated that Dr. Burris was listed as an authorized user (AU) on the Greater Southeast Community Hospital license, when he was not. In addition, the preceptor statement, prepared by a radiologist and attached to his application, inaccurately described required supervised work experience in handling nuclear materials.

2. While NRC and Dr. Burris agreed the violation was not deliberate, NRC maintained that it was in careless disregard of NRC's regulation.

3. Dr. Burris, subsequent to becoming aware of the details of the violation, took prompt actions to assure that he learned from this violation and provided the NRC with assurance that it would not recur. These actions included: (a) Correcting inaccurate information for the record in a letter dated July 26, 2004; (b) providing details of the violation to associates in the process of getting character references; (c) supplementing his work experience in May 2004, when Dr. Burris began working with the nuclear medicine technologists at Greater Southeast Community Hospital; and (d) undertaking efforts to better understand regulatory requirements through self study and review of his consultant's letter of May 4, 2004.

4. During the ADR mediation session, Dr. Burris recognized an opportunity for other potential Authorized Users/Radiation Safety Officers in the industry to learn from his participation in the NRC enforcement process and his experiences regarding the necessity to provide complete and accurate information to the NRC. Therefore, Dr. Burris agreed to take the following future corrective actions: (a) Submit an article for consideration to an appropriate medical journal that reaches an audience of cardiologists; (b) offer to speak at a training session at a meeting of the American Society of Nuclear Cardiology, a similar society, or at a Nuclear Cardiology symposium; and (c) write a letter to local cardiologists describing his experiences. In addition, Dr. Burris agreed to meet with a hospital RSO who has a knowledge of imaging and localization studies in order to review NRC requirements.

5. Dr. Burris agreed to complete the additional actions in Item 4 within 12 months of the date of the Order, and send a letter to the NRC informing the NRC that these actions are completed. Dr. Burris agreed to send this letter to the NRC within 30 days of completion of all actions.

6. In light of the actions Dr. Burris took as described in Item 3, those actions Dr. Burris has committed to take as described in Item 4, and his cooperation in providing information during the ADR session, the NRC agreed to issue a Severity Level III Notice of Violation (10 CFR 30.9) to Dr. Burris with no civil penalty. This action will be publicly available in ADAMS, will appear on the NRC ''Significant Enforcement Actions—Individuals'' Web site for a period of 1 year, and will be discussed in a press release announcing the ADR agreement between Dr. Burris and the NRC.

7. Any license application received from Dr. Burris will be reviewed without prejudice.

8. Dr. Burris agreed to issuance of a Confirmatory Order confirming this agreement.

In light of the actions Dr. Burris has taken and agreed to take to correct the violation and prevent recurrence, as set forth in Section III above, the NRC has concluded that its concerns regarding the violation can be resolved through the NRC's confirmation of the commitments as outlined in this Confirmatory Order.

I find that Dr. Burris' commitments as set forth in Section III above are acceptable. However, in view of the foregoing, I have determined that these commitments shall be confirmed by this Confirmatory Order. Based on the above, and Dr. Burris' consent, this Confirmatory Order is immediately effective upon issuance.

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 30 and 35, *it is hereby ordered, that:*

1. Dr. Burris will (a) submit an article for consideration to an appropriate medical journal that reaches an audience of cardiologists; (b) offer to speak at a training session at a meeting of the American Society of Nuclear Cardiology, a similar society, or at a Nuclear Cardiology symposium; and (c) write a letter to local cardiologists describing his experiences. In addition, Dr. Burris agreed to meet with a hospital RSO who has a knowledge of imaging and localization studies in order to review NRC requirements.

2. Dr. Burris will complete the actions in Section V.1 within 12 months of the date of this Order, and send a letter to the NRC informing the NRC that these actions are completed within 30 days of completion of all actions.

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

Any person adversely affected by this Confirmatory Order, other than Dr. Burris, 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, DC 20555, and must include a statement of good cause for the extension. Any request for

a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Rulemaking and Adjudications Staff, Washington, DC 20555. Copies of the hearing request shall also be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement, and to the Director of the Division of Regulatory Improvement Programs at the same address. Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301–415–1101 or by e-mail to *hearingdocket@nrc.gov* and also to the Office of the General Counsel by means of facsimile transmission to 301–415–3725 or e-mail to *OGCMailCenter@nrc.gov*. If such a person 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 § 2.309(d) and (f).

If a hearing is requested by 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 Confirmatory Order shall be sustained. An answer or a request for a hearing shall not stay the effectiveness date of this order.

Dated this 27th day of January, 2006.

For the Nuclear Regulatory Commission.

Michael Johnson,

Director, Office of Enforcement.

[FR Doc. E6–1570 Filed 2–3–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[EA–05–136]

In the Matter of Digirad Imaging Solutions, Inc.; Confirmatory Order (Effective Immediately)

Digirad Imaging Solutions, Incorporated (DIGIRAD or Licensee) is the holder of Byproduct Material License 31–30666–01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Parts 30 and 35. This mobile medical license authorizes possession of radionuclides for medical diagnosis, including uptake, dilution and excretion studies permitted by 10 CFR 35.100; and imaging and localization studies permitted by 10 CFR 35.200. The license further authorizes possession and use of byproduct material at specified facilities located in Indiana, Michigan, Missouri, New Jersey, Pennsylvania, Virginia, and West Virginia. The license also authorizes use of byproduct material at temporary jobsites of the licensee anywhere in the United States where the NRC maintains jurisdiction for regulating the use of licensed material, including areas of exclusive Federal jurisdiction within Agreement States. The license was originally issued on August 21, 2001, was due to expire on July 31, 2005, and is currently under timely renewal pursuant to 10 CFR 30.36(a)(1).

On August 6, 2004, the NRC Office of Investigations (OI) initiated an investigation (OI Case No. 1–2004–034) to determine if a physician listed on the DIGIRAD NRC license submitted false information to DIGIRAD in October 2003 to become an Authorized User (AU) on its existing NRC license. Based on the evidence developed during its investigations, OI substantiated that false and/or inaccurate information was submitted to DIGIRAD by the physician for the purpose of adding that physician as an AU on the existing DIGIRAD NRC license. The results of the investigation completed on June 15, 2005, were sent to DIGIRAD in a letter dated September 15, 2005. This letter stated that a physician listed as an AU on DIGIRAD's NRC license deliberately provided inaccurate information to DIGIRAD to become an AU on DIGIRAD's license, but that DIGIRAD did not knowingly submit the false information to the NRC in an amendment request dated October 16, 2003, that it submitted to the NRC to add the physician to the list of AUs on the license.

Subsequent to becoming aware of the NRC investigation and of the apparent violation, DIGIRAD took several actions to assure that these events would not recur. These actions included: (a) Immediately removing two AUs from its license; (b) cancelling a contract it had with one of the physicians; (c) attaching to physicians and preceptors statement form a notice equivalent to the following: ''*Notice to Physician and Preceptor:* 10 CFR 30.9(a) and 30.10(a) require that all information provided to the Nuclear Regulatory Commission by a licensee or its agents shall be complete and accurate in all material respects. The submission of false information constitutes a serious violation of applicable regulations and may cause you or us to be fined, to lose licensing privileges, or to suffer other significant penalties.''; and (d) requiring any physician that is added to its license to sign and date a document containing a statement equivalent to the following: ''In connection with my application to be named as an Authorized User on Digirad Imaging Solution's (''DIS'') radioactive materials license, I am aware that the submission of information that is not complete and accurate in all material respects is a violation of 10 CFR Sections 30.9(a) and 30.10(a). I hereby represent and warrant that, to the best of my knowledge, the information I have submitted to DIS in connection with my application to be named as an Authorized User is complete and accurate in all material respects.''

Also, in response to the NRC's September 15, 2005, letter, DIGIRAD requested the use of Alternative Dispute Resolution (ADR) to resolve this apparent violation and pending enforcement action. ADR is a process in which a neutral mediator, with no decision-making authority, assists the NRC and DIGIRAD to resolve any disagreements on whether a violation occurred, the appropriate enforcement action, and the appropriate corrective actions. An ADR session was held between DIGIRAD and the NRC in King of Prussia, PA, on November 14, 2005, and was mediated by a professional mediator, arranged through Cornell University's Institute of Conflict Management. Based on discussions at the ADR mediation session, as well as subsequent discussions held on December 14 and 15, 2005, between Vera Pardee, Vice President and General Counsel for DIGIRAD, and Karl Farrar, Region I Counsel, a settlement agreement was reached. The elements of the settlement agreement consisted of the following:

1. The NRC and DIGIRAD agreed to disagree on the violation being in careless disregard of NRC requirements.

2. DIGIRAD took the corrective actions described in Section II above prior to attending the ADR Mediation Session on November 14, 2005.

3. As a means to provide added assurance to meet the requirements of 10 CFR 30.9(a) and 30.10(a), DIGIRAD agreed that for all future NRC AU applicants, on a yearly basis, it will audit the training and experience credentials of the first 10 AU applicants and 25% of any applications received after the first 10. DIGIRAD will audit by endeavoring to locate and call preceptors as well as Continuing Medical Education providers to verify the information given by the AU applicants. This does not eliminate the requirement that DIGIRAD provide complete and accurate information to the NRC on all AU applicants. The