

requirements or that the health and safety of the public will be protected if Mr. Cody was permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that for a period of one year from the date of this Order, Steven Cody be prohibited from any involvement in NRC-licensed activities for either: (1) An NRC licensee, or (2) an Agreement State licensee performing licensed activities in areas of NRC jurisdiction in accordance with 10 CFR 150.20. In addition, for three years commencing after the one year period of prohibition, Mr. Cody must notify the NRC of his employment or involvement in NRC-licensed activities to ensure that the NRC can monitor the status of Mr. Cody's compliance with the Commission's requirements and his understanding of his commitment to compliance. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. Cody's conduct 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, 10 CFR 30.10, and 10 CFR 150.20, it is hereby ordered, effective immediately, that:

1. Steven Cody is prohibited for one year from the date of this Order from engaging in any NRC-licensed activities. 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 pursuant to the authority granted by 10 CFR 150.20.

2. For three years after the above one year period of prohibition has expired Steven Cody shall, within 20 days of his acceptance of each employment offer involving NRC-licensed activities or his becoming involved in NRC-licensed activities, as defined in Paragraph IV.1 above, provide notice to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, of the name, address, and telephone number of the employer or the entity where he is, or will be, involved in the NRC-licensed activities. In the first notification, Steven Cody shall include a statement of his commitment to compliance with regulatory requirements and the basis why the Commission should have confidence that he will now comply with applicable NRC requirements.

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

V

In accordance with 10 CFR 2.202, Steven Cody 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. When 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, 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. Cody 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 20055, to the Assistant General Counsel for Hearings and Enforcement at the same address, and to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, Illinois 60632-4531 if the answer or hearing request is by a person other than Mr. Cody. If a person other than Mr. Cody requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by the Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Mr. Cody 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), Steven Cody, 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 provision 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 Part 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 7th day of August 1995.

For the Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

[FR Doc. 95-20238 Filed 8-15-95; 8:45 am]

BILLING CODE 7590-01-P

[Docket No. 030-31252, License No. 35-26996-01, IA 95-028]

Maria Hollingsworth, Tulsa, Oklahoma; Order Prohibiting Involvement in NRC-Licensed Activities and Requiring Certain Notification to NRC (Effective Immediately)

I

Maria Hollingsworth is the owner and operator of Blackhawk Engineering, Inc. (Licensee or Blackhawk) and served as the radiation safety officer with respect to its Nuclear Regulatory Commission (NRC or Commission) license. Blackhawk was issued Byproduct Materials License No. 35-26996-01 by the NRC, pursuant to 10 CFR Part 30, on August 22, 1989. The license authorized Blackhawk to possess and utilize sealed sources of radioactive material contained in moisture/density gauges in accordance with the conditions specified therein. The license expired on August 31, 1994, and Blackhawk did not submit a renewal application as provided in 10 CFR 30.37. On February 14, 1995, the NRC issued an order requiring Blackhawk to cease use of, and transfer, all NRC-licensed material in its possession to a person authorized to receive and possess such material (EA 95-018). Blackhawk complied with the terms of the order and on May 17, 1995, the NRC issued a Notice of Termination of Blackhawk's NRC license.

II

The February 14, 1995 order was issued to Blackhawk because: (1) Blackhawk continued to utilize gauges containing NRC-licensed material after

the NRC license had expired, and Ms. Hollingsworth had specifically agreed not to utilize this material, as confirmed by a Confirmatory Action Letter (CAL) from the NRC to Blackhawk on November 8, 1994; and (2) Ms. Hollingsworth was not truthful in statements made to NRC personnel regarding the continued use of the gauges. Ms. Hollingsworth's actions were in violation of 10 CFR 30.10, a regulation prohibiting deliberate misconduct by any licensee or employee of a licensee. Deliberate misconduct includes an intentional act or omission that a person knows would cause a licensee to be in violation of NRC requirements, or deliberate submission to the NRC of material information that the person submitting the information knows to be incomplete or inaccurate. In brief, Ms. Hollingsworth violated 10 CFR 30.10 because, as she admitted to NRC investigators: (1) She understood in November 1994 that she no longer was authorized to use the gauges but did use the gauges until December 22, 1994, to complete a construction job; and (2) she deliberately provided false information when she told an NRC inspector on December 19, 1994 that she had not used the gauges since 1992.

On June 5, 1995, the NRC conducted a telephonic enforcement conference with Ms. Hollingsworth to determine whether her deliberate misconduct warranted enforcement action directly against her as an individual. Ms. Hollingsworth stated that prior to November 1994, she had responded to NRC inquiries regarding the renewal of Blackhawk's license and believed that she had taken care of it. However, she admitted that, after being contacted by the regional office in November 1994 and receiving a November 8, 1994 Confirmatory Action Letter (CAL) from NRC, she made a conscious decision to continue using the gauges, contrary to the terms of the CAL, to complete a construction job. Ms. Hollingsworth also stated that she did so without contacting the NRC for further guidance or assistance because she believed that NRC would not have allowed her to continue using licensed material. Ms. Hollingsworth stated that she would comply with all NRC regulations in the future.

III

Ms. Hollingsworth admits both to deliberately violating NRC requirements by using NRC-licensed material after being made aware of the expiration of Blackhawk's license, and to deliberately making a false statement to an NRC inspector. Given Ms. Hollingsworth's position as owner and operator of

Blackhawk and her role as the radiation safety officer with respect to the NRC license, the NRC considers her deliberate misconduct particularly significant. NRC must be able to rely on licensee management to comply with NRC requirements, especially the requirement to provide accurate information to the NRC. Despite her commitment to comply with NRC requirements in the future, Ms. Hollingsworth's past deliberate misrepresentation to the NRC and deliberate violation of other NRC requirements raise serious doubt as to whether she can be relied upon to comply with NRC requirements in the future, including the requirement to provide complete and accurate information to the NRC.

Consequently, I lack the requisite reasonable assurance that licensed activities would be conducted in compliance with the Commission's requirements and that the health and safety of the public would be protected if Ms. Hollingsworth were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Ms. Hollingsworth be prohibited from any involvement in NRC-licensed activities for a period of one year. Additionally, Ms. Hollingsworth is required to notify the NRC of her involvement in NRC-licensed activities for one year following the one year prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Maria Hollingsworth'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, 10 CFR 30.10, and 10 CFR 150.20, it is hereby ordered, effective immediately, that:

1. Maria Hollingsworth is prohibited from engaging in NRC-licensed activities for a period of one year from the date of this Order. 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 pursuant to the authority granted by 10 CFR 150.20.

2. For a period of one year after the one year period of prohibition has expired, Maria Hollingsworth shall, within 20 days of her acceptance of each employment offer involving NRC-licensed activities, or her becoming

involved in NRC-licensed activities as defined in Paragraph IV.1 above, provide notice to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, DC 20555, of the name, address, and telephone number of the employer or the entity where she is, or will be, involved in NRC-licensed activities. In the first notification, Ms. Hollingsworth shall include a statement of her commitment to compliance with NRC requirements and the basis why the Commission should have confidence that she will now comply with applicable NRC requirements.

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

V

In accordance with 10 CFR 2.202, Maria Hollingsworth 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, 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 Ms. Hollingsworth 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 IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011; and to Ms. Hollingsworth if the answer or hearing request is by a person other than Ms. Hollingsworth. If a person other than Ms. Hollingsworth 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 Ms. Hollingsworth 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), Maria Hollingsworth, 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 effective and 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 Part IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for a hearing shall not stay the immediate effectiveness of this Order.

Dated at Rockville, Maryland this 3rd day of August 1995.

For the Nuclear Regulatory Commission
James Lieberman,
Director, Office of Enforcement.
 [FR Doc. 95-20241 Filed 8-15-95; 8:45 am]
 BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-36081; File No. SR-Amex-94-30]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange, Inc. Relating to Transaction Charges

August 10, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 21, 1995, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is

publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange has made a determination to waive Exchange transaction charges for proprietary equity trades effected on the Floor by Registered Equity Market Makers ("REMMs").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 1991, for the first time, the Exchange imposed transaction charges on proprietary equity trades by members and member organizations. While these charges were waived for proprietary trades of equity specialists to facilitate their market making function, members trading on the Floor as REMMs were not similarly exempted.

REMMs are members that trade on a proprietary basis on the Floor in designated equity securities. Exchange Rule 114 sets forth the obligations and requirements under which REMMs are permitted to conduct such proprietary trading on the Floor. When trading in their designated securities, REMMs are required under the Rule to contribute to the maintenance of a fair and orderly market in such securities. REMMs also are required to engage in dealings in such securities which contribute to price continuity or depth or minimize the effects of a temporary disparity between the supply and demand for such securities. Thus, while not subject to a specialist's continuous market making obligation, when REMMs effect proprietary equity trades on the Floor, they are required to comply with the same market making obligations as specialists.

In view of this requirement to comply with market making obligations similar to those of specialists, the Exchange believes that REMMs should be treated the same as specialists with respect to transaction charges on proprietary equity trades. Accordingly, the Exchange has made a determination, as it did with specialists, to waive transaction charges on proprietary equity trades effected by REMMs to facilitate their market making function.

Although the Exchange currently has 30 members registered to trade as REMMs, less than half that number trade on a regular basis.

2. Statutory Basis

The fee change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(4) in particular in that it is intended to assure the equitable allocation of reasonable dues, fees, and other charges among members, issuers, and other persons using the Exchange's facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The fee change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the fee change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule proposal changes a fee imposed by the Exchange and therefore has become effective pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements