

Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738.

V

Bemis may request a hearing within 30 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. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission Washington, D.C. 20555, with a copy to the Commission's Document Control Desk, Washington, D.C. 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If Bemis fails to request a hearing within 30 days of the date of this Order (or if written approval of an extension of time in which to request a hearing has not been granted), the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event Bemis requests a hearing as provided above, the issue to be considered at such hearing shall be: whether, on the basis of the violation admitted by Bemis, this Order should be sustained.

Dated at Rockville, Maryland this 23rd day of May 1996.

For the Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

Appendix—Evaluation and Conclusions

On March 19, 1996, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of \$2,500 was issued to Bemis Construction, Inc., (Bemis) for a violation identified during an NRC inspection and investigation. Bemis responded to the Notice in a letter dated April 17, 1996. Bemis admitted the violation but requested mitigation of the proposed civil penalty based on its contention that the violation was not intentional and on assurances that Bemis is in compliance now

and will not, in the future, violate the rules which were cited.

Restatement of Violation Assessed a Civil Penalty

10 CFR 30.3 requires in relevant part, that no person shall possess or use byproduct material except as authorized by a specific or general license issued by the NRC.

10 CFR 150.20(a) provides in part that any person who holds a specific license from an Agreement State is granted an NRC general license to conduct the same activity in non-Agreement States subject to the provisions of 10 CFR 150.20(b).

10 CFR 150.20(b)(1) requires, in part, that any person engaging in activities in non-Agreement States shall, at least 3 days before engaging in each such activity, file 4 copies of NRC Form-241, "Report of Proposed Activities in Non-Agreement States," with the Regional Administrator of the appropriate NRC regional office.

Contrary to the above,

A. From March 1991 through August 1992, Bemis Construction, Inc. a licensee of Kansas, used cesium-137 and americium-241 sealed sources in Oklahoma, a non-Agreement State, without a specific license issued by the NRC and without filing Form-241 with the NRC.

B. From March 1991 through July 1995, Bemis Construction, Inc. a licensee of Kansas, stored cesium-137 and americium-241 sealed sources in Oklahoma, a non-Agreement State, without a specific license issued by the NRC and without filing Form-241 with the NRC. (01013)

This is a Severity Level III violation (Supplement VI). Civil Penalty—\$2,500

Summary of Bemis's Request for Mitigation

Bemis responded to the violation in a letter from Mr. Thomas J. Berscheidt, Attorney At Law, dated April 17, 1996. Mr. Berscheidt stated that he represents Bemis and that he had reviewed the March 19, 1996, letter from the NRC and the enclosed Notice. Mr. Berscheidt's letter stated that there was no intent to avoid compliance with the regulations. There was "simply a misunderstanding and lack of information concerning these regulations." Bemis stated that it will not, now or in the future, regardless of the oversight or lack of knowledge, intentionally violate any of the rules and regulations of the NRC. Further, Bemis's response stated that it is recognized that each party is responsible for being aware of the rules and regulations, but there are times when, regardless of the effort and honest intent of any individual or corporation, all rules and regulations cannot be known or at least readily obtained and usually the awareness factor does not surface until the violation has been identified. With the assurance that Bemis is in compliance and will not violate the rules which were cited, the licensee requested mitigation of the civil penalty. The letter also noted that this was the first time that Bemis has violated NRC requirements.

NRC Evaluation of Licensee's Request for Mitigation

The Kansas license provided that material "may be used at Railroad & McKinley, Great

Bend, Kansas and at temporary job sites of the licensee anywhere in the State of Kansas where the State of Kansas, Department of Health and Environment maintains jurisdiction for regulating the use of radioactive material." This provision does not authorize operations in the State of Oklahoma, which is under NRC jurisdiction. Therefore, it is not clear why there was any misunderstanding. The fact that Bemis did not attempt to verify its understanding by merely telephoning the NRC, or make any other effort to verify its understanding, was the basis for NRC's conclusion that the violation was the result of, at least, careless disregard for the involved requirements.

Even in the absence of willfulness, the NRC considers the failure to obtain authorization to use byproduct materials in areas under its jurisdiction to be a matter of significant regulatory concern. This is because the failure to obtain NRC authorization for such activities denies the NRC the opportunity to assure that the activities are conducted in compliance with all NRC requirements. Furthermore, the failure to obtain authorization resulted in Bemis's failure to pay fees in each of the years that Bemis was in violation. We note that the civil penalty is approximately the same amount as the delinquent fees.

Bemis concludes its April 17 letter with its assurances of compliance (with the cited requirements), now and in the future, and respectfully requested that the civil penalty be reduced. The NRC's Enforcement Policy does provide for mitigation of civil penalties under certain conditions, through the consideration of the identification and corrective action factors (reference Section VI.B.2 of the enforcement policy). The NRC's March 19, 1996 letter that accompanied the Notice described the NRC's analysis of these identification and corrective action factors, and concluded that the base penalty should be assessed. The licensee's April 17 letter did not provide any additional information that would change the civil penalty assessment.

NRC Conclusion

After consideration of all of the arguments made by Bemis, the NRC concludes that the civil penalty that was proposed should not be mitigated.

[FR Doc. 96-13673 Filed 5-30-96; 8:45 am]

BILLING CODE 7590-01-P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Review of an Expiring Information Collection Reemployment of Annuitants, 5 CFR 837.103

AGENCY: Office of Personnel
Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice

announces that the Office of Personnel Management (OPM) will submit to the Office of Management and Budget a request for a clearance of an expiring information collection. Section 837.103 of Title 5, Code of Federal Regulations, requires agencies to collect information from retirees who become employed in Government positions. Agencies need to collect timely information regarding the type and amount of annuity being received so the correct rate of pay can be determined. Agencies provide this information to OPM so a determination can be made whether the reemployed retiree's annuity must be terminated.

We estimate 3000 reemployed retirees are asked this information annually. It takes each reemployed retiree approximately 1 minute to complete for an annual estimated burden of 50 hours.

For copies of this proposal, contact Jim Farron on (202) 418-3208, or E-Mail to jmfarron@mail.opm.gov

DATES: Comments on this proposal should be received on or before July 1, 1996.

ADDRESSES: Send or deliver comments to—

John Landers, Chief, Retirement Policy Division, Retirement and Insurance Service, 1900 E Street, NW., Room 4351, Washington, DC 20415-0001 and

Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building NW., Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING

ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Team Leader, Management Services Division, (202) 606-0623.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96-13679 Filed 5-30-96; 8:45 am]

BILLING CODE 6325-01-M

**Submission for OMB Review;
Comment Request Review of a
Revised Information Collection: Forms
RI 34-1 and RI 34-3**

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management has submitted to the Office of Management and Budget a request for

clearance of a revised information collection: Forms RI 34-1 and RI 34-3. RI 34-1, Financial Resources Questionnaire, collects detailed financial information for use by OPM in determining whether to agree to a waiver, compromise, or adjustment of the collection of erroneous payments from the Civil Service Retirement and Disability Fund. RI 34-3, Notice of Debt Due Because of Annuity Overpayment, informs the annuitant that a debt is due, describes the cause for the overpayment, and collects information from the annuitant regarding payment of the debt.

Approximately 1,561 RI 34-1 and 520 RI 34-3 forms will be completed per year. Each form requires approximately 1 hour to complete. The annual burden is 1,561 hours and 520 hours respectively.

For copies of this proposal, contact Jim Farron on (202) 418-3208, or E-mail to jmfarron@mail.opm.gov

DATES: Comments on this proposal should be received on or before July 1, 1996.

ADDRESSES: Send or deliver comments to—

Lorraine E. Dettman, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street NW., Room 3349, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management & Budget, New Executive Office Building NW., Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING

ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Management Services Division, (202) 606-0623.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96-13680 Filed 5-30-96; 8:45 am]

BILLING CODE 6325-01-M

**Submission for OMB Review;
Comment Request for Review of an
Expiring Information Collection: SF
2823**

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management will submit to the Office of

Management and Budget a request for a clearance of an expiring information collection. SF 2823, Designation of Beneficiary for Federal Employees Group Life Insurance, is used by any Federal employee or retiree covered by the Federal Employees Group Life Insurance Program to instruct the Office of Federal Employees Group Life Insurance how to distribute the proceeds of his or her life insurance when the statutory order of precedence does not meet his or her needs.

We estimate 1,000 SF 2823 forms are completed annually by annuitants. Each form takes approximately 15 minutes to complete for an annual estimated burden of 250 hours.

For copies of this proposal, contact Jim Farron on (202) 418-3208, or E-Mail to jmfarron@mail.opm.gov

DATES: Comments on this proposal should be received on or before July 1, 1996.

ADDRESSES: Send or deliver comments to—

Kenneth H. Glass, Chief, Insurance Operations Division, Retirement and Insurance Service, 1900 E Street NW., Room 3415, Washington, DC 20415-0001

and

Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING

ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Team Leader, Management Services Division, (202) 606-0623.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96-13681 Filed 5-30-96; 8:45 am]

BILLING CODE 6325-01-M

**SECURITIES AND EXCHANGE
COMMISSION**

[Investment Company Act Release No. 21983; International Series Release No. 984/812-9966]

**Bankers Trust Australia Limited;
Notice of Application**

May 24, 1996.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANT: Bankers Trust Australia Limited ("BTAL").