

decisions on improving safety and health enforcement programs, focusing education and training efforts, and establishing priorities in technical assistance activities in mine safety and health.

Agency: Mine Safety Health Administration.

Title: Quarterly Mine Employment and Coal Production Report.

OMB Number: 1219-0007.

Agency Number: 7000-1.

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 56,759.

Estimated Time Per Respondent: 30 minutes.

Total Burden Hours: 28,380.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): \$23,200.

Description: Mine operators are required to submit form 7000-1 to the Mine Safety Health Administration to report on accidents, injuries, and illnesses at their mines shortly after an accident or injury has occurred or a work-related illness has been identified. The use of the form provides for uniform information gathering.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

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BILLING CODE 4510-27-M, 4510-43-M

NATIONAL SCIENCE FOUNDATION

Fellowship Applications and Award Forms; Submission for OMB Review: comment request

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the National Science Foundation (NSF) will publish periodic summaries of proposed projects. Such a notice was published at Federal Register 28904, Dated June 6, 1996. No public comments were received.

The materials are now being sent to OMB for review. Send any written comments to Desk Officer: OMB No. 3145-0023, OIRA, Office of Management and Budget, Washington, DC 20503. Comments should be received by September 6, 1996.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have

practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed projects. Section 10 of the National Science Foundation Act, as amended, states that "The Foundation is authorized to award, within the limits of funds made available * * * scholarships and graduate fellowships for scientific study or scientific work in the mathematical, physical, medical, biological, engineering, social, and other sciences at appropriate nonprofit American or nonprofit foreign institutions selected by the recipient of such aid, for stated periods of time."

The Foundation Fellowship Programs are designed to meet the following objectives:

- To assure that some of the Nation's most talented students in the sciences obtain the education necessary to become creative and productive scientific researchers.
- To train or upgrade advanced scientific personnel to enhance their abilities as teachers and researchers.
- To promote graduate education the sciences, mathematics, and engineering at institutions that have traditionally served ethnic minorities.
- To encourage pursuit of advanced science degrees by students who are members of ethnic groups traditionally under-represented in the Nation's advanced science personnel pool.

The Foundations has the following Fellowship award programs:

NSF Graduate Research Fellowships
 Graduate Fellowships
 Minority Graduate Fellowships
 Women in Engineering and Computer and Information Science
 Earth Sciences Postdoctoral Research Fellowships
 Postdoctoral Research Fellowships in Chemistry
 Mathematical Sciences Postdoctoral Research Fellowships
 NSF-NATO Postdoctoral Fellowships in Science and Engineering
 Minority Postdoctoral Research Fellowships and Supporting Activities
 Postdoctoral Research Fellowships in Biosciences Related to the Environment
 Postdoctoral Research Fellowships in Molecular Evolution
 Ridge Inter-Disciplinary Global Experiments
 Advanced Study Institute Travel Awards
 International Opportunities for Scientists and Engineers
 Japan Research Fellows
 North American Research Fellows
 International Research Fellows
 Ethics and Values Fellowship Awards

These are annual award programs with application deadlines varying according to the fellowship program. Public burden may also vary according to program, however it is estimated that each submission is averaged to be 12 hours per respondent.

Dated: August 5, 1996.

Herman G. Fleming,

NSF Clearance Officer.

[FR Doc. 96-20258 Filed 8-7-96; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 150-00004 License No. CA 2799-80 EA 96-065]

Industrial Marine Testing Laboratories, Inc.; Order Imposing Civil Monetary Penalty

I

Industrial Marine Testing Laboratories, Inc. (Industrial Marine or Licensee) is the holder of Radioactive Materials License No. CA 2799-80 issued by the state of California, an Agreement State, on December 27, 1993. The license authorizes the Licensee to possess and use sealed radioactive sources in conducting industrial radiography at specific locations in San Diego, California and at temporary jobsites in areas not under exclusive federal jurisdiction throughout the state of California in accordance with the conditions specified therein. Pursuant to NRC practice, the Licensee may conduct the same activities in areas under NRC jurisdiction provided that the NRC is notified and the provisions of 10 CFR 150.20 are followed. Otherwise, an NRC license is required for such activities in accordance with the requirements of 10 CFR 30.3.

II

An inspection and investigation of the Licensee's activities was conducted during June 13, 1995, through February 15, 1996. The results of the inspection and investigation indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated June 6, 1996. The Notice stated the nature of the violation, the provision of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violation.

The Licensee responded to the Notice in a letter dated July 1, 1996. In its response, the Licensee admitted the

violation but requested further mitigation of the civil penalty, asserting that imposition of the civil penalty would hurt Industrial Marine financially.

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the violation occurred as stated and that the penalty proposed for the violation designated in the Notice should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, it is hereby ordered that:

The Licensee pay a civil penalty in the amount of \$1,500 within 30 days of the date of this Order, by check, draft, money order, or electronic transfer, payable to the Treasurer of the United States and mailed to Mr. James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738.

V

The Licensee 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 the Licensee 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 the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

Whether on the basis of the violation admitted by the Licensee, this Order should be sustained.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 31st day of July 1996.

Joseph R. Gray,

Acting Director, Office of Enforcement.

Appendix

Evaluation and Conclusion

On June 6, 1996, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for a violation identified during an NRC inspection and investigation. Industrial Marine Testing Laboratories, Inc. (Industrial Marine or Licensee) responded to the Notice on July 1, 1996. The licensee admitted the violation but requested mitigation on grounds that the imposition of the civil penalty would hurt the company financially. The NRC's evaluation and conclusion regarding the licensee's requests are as follows:

Summary of Licensee's Request for Mitigation

In its July 1, 1996, "Answer to a Notice of Violation," the Licensee stated that it is a very small business and that although the NRC has already taken that into consideration, the imposition of the proposed civil penalty in the amount of \$1,500 would hurt the company financially. The Licensee did not want to imply that the NRC was being unfair in arriving at the amount, but noted that it was financial duress that helped to create the problem.

NRC Evaluation of Licensee's Request for Mitigation

The base civil penalty for the uncontested Severity Level III violation is \$5,000. However, considering the circumstances, including the fact that Industrial Marine is a small business, the NRC exercised discretion and reduced the civil penalty to \$1,500. The reduced civil penalty is roughly equivalent to the fees the Licensee would have paid to remain in compliance.

In cases such as this, an NRC enforcement action is used as a deterrent to emphasize the importance of compliance with requirements. In this regard, further reduction of the penalty would do little to emphasize the importance of compliance with the involved requirements.

However, NRC's Enforcement Policy also provides, "... it is not the NRC's intention that the economic impact of a civil penalty be so severe that it puts a licensee out of business (orders, rather than civil penalties, are used when the intent is to suspend or terminate licensed activities) or adversely affects a licensee's ability to safely conduct licensed activities."

Therefore, to balance these considerations and to be responsive to the potential

financial hardship to the licensee, rather than mitigating the civil penalty the licensee should be permitted to pay it in monthly installments.

NRC Conclusion

The NRC has concluded that the violation occurred as stated and that Industrial Marine did not provide an adequate basis for further reduction of the civil penalty. Consequently, the proposed civil penalty in the amount of \$1,500 should be imposed. However, to be responsive to the potential for further financial hardship, the NRC should permit Industrial Marine to pay the civil penalty in monthly installments.

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BILLING CODE 7590-01-P

[Docket No. 50-390]

Watts Bar Nuclear Plant, Unit 1; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NFP-90, issued to the Tennessee Valley Authority (TVA or the licensee) for operation of the Watts Bar Nuclear Plant (WBN), Unit 1 located in Rhea County, Tennessee.

The proposed amendment would change Technical Specification (TS) 3.6.12 to allow a one-time extension of the three month surveillance requirement (SR) for the ice condenser lower inlet doors to coincide with the plant mid-cycle outage. Specifically, this proposed amendment would add notes to SRs 3.6.12.3, 3.6.12.4, and 3.6.12.5 and their respective bases to state, "The 3-month performance due September 9, 1996, (per SR 3.0.2) may be extended until October 21, 1996.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a