

February 7, 1996 to provide to the NRC Office of Enforcement any documents that it may have in its possession or control which might rebut the October 31, 1995 Notice, such as any NRC Form-241s and any checks for reciprocity fees regarding work performed in Virginia from January 1992 to January 1994.

Since the February 7, 1996 NRC letter, the NRC has received two additional communications from the Licensee and/or its attorneys:

(1) In a February 13, 1996 letter concerning settlement, addressed to Mr. James Lieberman, Director of NRC's Office of Enforcement, the Licensee and its attorneys contended that the civil penalty amount should not have been determined in accordance with the NRC Enforcement Policy that became effective June 30, 1995 (NUREG 1600), because the violations occurred before that date. However, the NRC staff chose to use the newer Enforcement Policy because by doing so, the civil penalty amount was reduced, thus producing a result that was advantageous to the Licensee.¹

(2) In a March 5, 1996 facsimile communication to Mr. David Collins of the NRC Region II Office, Mr. J. L. Shelton, the Licensee's president, included some documentation concerning work performed in the Fall of 1994, but that documentation is not relevant to the dates and locations of work that are set forth in the Notice. In the facsimile, Mr. Shelton also made an assertion that a listing of dates and locations of work performed by TESTCO, Inc. in NRC jurisdictions, compiled by NRC's Office of Investigations (OI), "appears to have locations * * * that Testco, Inc., or J. L. Shelton has never worked at." Thus, while the Licensee did submit some additional information, the Licensee has not provided the documentation, as requested by NRC, that the Licensee claimed it had located in its Reply denying the violation (*i.e.*, copies of Form-241 relevant to the dates and locations of work that are set forth in the Notice). The Licensee also has not

provided any other documentation that specifically addresses the dates and locations of work stated in the Notice. The NRC believes that the listing of dates and locations of work performed in NRC jurisdictions, as set forth in the Notice, is reliable because it is based on documentary evidence, including work records and invoices.

In its Reply, the Licensee questioned the reliability of NRC's findings due to what the Licensee claims was the lack of an NRC Form-241 tracking system prior to October 3, 1994. However, NRC Manual Chapter 1220, "Processing of NRC Form-241, 'Report of Proposed Activities in Non-Agreement States,' and Inspection of Agreement State Licensees Operating Under 10 CFR 150.20," has been in effect since March 1988. The October 3, 1994 date that the Licensee relies on is merely the date that a revision of Manual Chapter 1220 was effected.

Beginning in March 1988, in accordance with Manual Chapter 1220, each Region was required to maintain records of NRC Form-241 activities including the reports received, the reciprocity activities conducted, inspections performed, and noncompliances identified. Hardcopy information was, and continues to be, retained in the NRC Region II Docket Files, the repository for official records related to NRC Region II materials licensing and inspection activities. Moreover, from January 1991 through January 1994, the NRC Region II Office did have in place a method to track the filing of Form-241s by a log maintained on a computer. Prior to that time, Region II tracked the filing of Form-241s manually by using a log book. After that time, an NRC agency-wide computerized system was used to document and track the filing of Form-241s.

Further, at the predecisional enforcement conference held with TESTCO, Inc. on July 27, 1995, the Licensee indicated it had additional information to support its contention that NRC Form-241s were filed. Since that time, no such information has been provided.

In the absence of additional documentation from TESTCO, Inc., as was requested, to support its position and refute the facts disclosed by NRC, the NRC concludes that the violation occurred as stated.

NRC Conclusion

The NRC has concluded that this violation occurred as stated and no adequate basis for withdrawal of the violation or mitigation of the civil penalty has been provided by the

Licensee. Consequently, the proposed civil penalty in the amount of \$5,000 should be imposed.

[FR Doc. 96-7952 Filed 4-1-96; 8:45 am]

BILLING CODE 7590-01-P

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATES: Weeks of April 1, 8, 15, and 22, 1996.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of April 1

Monday, April 1

10:00 a.m.

Affirmation Session (Public Meeting) (if needed)

Thursday, April 4

10:00 a.m.

Briefing on PRA Implementation Plan (Public Meeting) (Contact: Ashok Thadani, 301-415-1274)

11:30 a.m.

Affirmation Session (Public Meeting) (if needed)

2:00 p.m.

Briefing on Status of Activities with CNWRA and HLW Program (Public Meeting) (Contact: Shirley Fortuna, 301-415-7804)

Week of April 8—Tentative

There are no meetings scheduled for the Week of April 8.

Week of April 15—Tentative

There are no meetings scheduled for the Week of April 15.

Week of April 22—Tentative

There are no meetings scheduled for the Week of April 22.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292.

CONTACT PERSON FOR MORE INFORMATION: Bill Hill (301) 415-1661.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301-415-1963).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically,

¹ Under the current Enforcement Policy (NUREG-1600), the civil penalty was calculated by increasing the base civil penalty of \$5,000 by 100% to \$10,000, considering the factors of Identification and Corrective Action, and in view of the willful nature of the violation. Then, after consulting with the Commission, the NRC staff applied enforcement discretion, based in part on the small size of the Licensee, to reduce the amount of the civil penalty from \$10,000 to \$5,000. Under the Enforcement Policy in effect at the time that the violation was occurring (10 CFR Part 2, Appendix C), the base civil penalty of \$5,000 could have been increased by 300% to \$20,000, considering the factors of Identification, Corrective Action, Multiple Occurrences, and Prior Notice, and in view of the willful nature of the violation.

please send an electronic message to
alb@nrc.gov or gkt@nrc.gov.

William M. Hill, Jr.,

*SECY Tracking Officer, Office of the
Secretary.*

[FR Doc. 96-8195 Filed 3-29-96; 3:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. A96-12]

Walters, Minnesota 56092 (Henry J. Kalis, Petitioner); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

(Issued March 27, 1996).

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

Docket Number: A96-12

Name of Affected Post Office: Walters, Minnesota 56092.

Name(s) of Petitioner(s): Henry J. Kalis.

Type of Determination: Closing.

Date of Filing of Appeal Papers: March 21, 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 5, 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.

March 21, 1996

Filing of Appeal letter

March 27, 1996

Commission Notice and Order of Filing of Appeal

April 15, 1996

Last day of filing of petitions to intervene [see 39 C.F.R. 3001.111(b)]

April 25, 1996

Petitioner's Participant Statement or Initial Brief [see 39 C.F.R. 3001.115(a) and (b)]

May 15, 1996

Postal Service's Answering Brief [see 39 C.F.R. 3001.115(c)]

May 30, 1996

Petitioner's Reply Brief should Petitioner choose to file one [see 39 C.F.R. 3001.115(d)]

June 6, 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 C.F.R. § 3001.116]

July 19, 1996

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

[FR Doc. 96-7903 Filed 4-1-96; 8:45 am]

BILLING CODE 7710-FW-P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17a-4

SEC File No. 270-198

OMB Control No. 3235-0279

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is publishing the following summary of collection for public comment.

Rule 17a-4 requires exchange members, brokers and dealers to preserve for prescribed periods of time certain records required to be made under Rule 17a-3. It is anticipated that approximately 8,300 broker-dealers are required to comply with Rule 17a-4 and each will spend 250.25 hours per year complying with the rule. The total annual burden is estimated to be 2,077,075 hours.

Written 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 to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, N.W. Washington, DC 20549.

Dated: March 27, 1996.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 96-7983 Filed 4-1-96; 8:45 am]

BILLING CODE 8010-01-M

Requests Under Review by Office of Management and Budget

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Form 40-F

SEC File No. 270-335

OMB Control No. 3235-0381

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget a request for approval of extension on the following:

Form 40-F that is used by certain Canadian issuers to register securities pursuant to Section 12 of the Securities Exchange Act of 1934 ("Exchange Act") or as an annual report pursuant to Section 13(a) or 15(d) of the Exchange Act. An estimated 320 submissions are made pursuant to Form 40-F, resulting in an estimated annual total burden of 640 hours.

General comments regarding the estimated burden hours should be directed to the Desk Officer for the Securities and Exchange Commission at the address below. Any comments