

this exemption, refer to the notice of proposed exemption published on May 6, 1996 at 61 FR 20281.

FOR FURTHER INFORMATION CONTACT: Ronald Willett of the Department, telephone (202) 219-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application are true and complete and accurately describe all material terms of the transaction which is the subject of the exemption. In the case of continuing exemption transactions, if any of the material facts or representations described in the application change after the exemption is granted, the exemption will cease to apply as of the date of such change. In the event of any such change, application for a new exemption may be made to the Department.

Signed at Washington, D.C., this 17th day of July, 1996.

Ivan Strasfeld,

*Director of Exemption Determinations,
Pension and Welfare Benefits Administration,
U.S. Department of Labor.*

[FR Doc. 96-18539 Filed 7-19-96; 8:45 am]

BILLING CODE 4510-29-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 96-078]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that SafetySCAN, LLC of Orchard Park, New York, has applied for an exclusive license to practice the invention described and claimed in a pending U.S. Patent, entitled "Flame Imaging System" SSC-00040, which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license to SafetySCAN, LLC, should be sent to Beth Vrioni, John F. Kennedy Space Center, Mail Code: DE-TPO, Kennedy Space Center, FL 32899.

DATES: Responses to this Notice must be received on or before September 20, 1996. For further information contact: Beth Vrioni at (407) 867-2544.

Dated: July 10, 1996.

Edward A. Frankle,
General Counsel.

[FR Doc. 96-18517 Filed 7-19-96; 8:45 am]

BILLING CODE 7510-01-M

[Notice 96-079]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that Vanguard Space Corporation, of Los Angeles, California 90064, has applied for a partially exclusive license to practice the invention disclosed in NASA Case No. MSC-22745-1, entitled "Method and Apparatus for Coupling Space Vehicles," for which a U.S. Patent Application was filed by the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Mr. Hardie Barr, Patent Attorney, Johnson Space Center.

DATES: Responses to this notice must be received by (insert 60 days from the date of publication in the Federal Register).

FOR FURTHER INFORMATION CONTACT: Mr. Hardie Barr, Patent Attorney, Johnson Space Center, Mail Code HA,

Houston, Texas; telephone (713) 483-1003; fax (713) 244-8452.

Dated: July 10, 1996.

Edward A. Frankle,
General Counsel.

[FR Doc. 96-18518 Filed 7-19-96; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 27-47]

Consideration of an Amendment Request to a License for Disposal of Low-Level Radioactive Waste Containing Special Nuclear Material by Chem-Nuclear Systems, Incorporated and an Opportunity for a Hearing

AGENCY: Nuclear Regulatory Commission.

SUMMARY: The Nuclear Regulatory Commission is considering an amendment request of License No. 12-13536-01. This license is issued to Chem-Nuclear Systems, Incorporated (CNSI) for the disposal of wastes containing special nuclear material (SNM) in the low-level radioactive waste disposal facility, located near Barnwell, South Carolina. NRC licenses this facility under 10 CFR Part 70. The South Carolina license was amended on August 11, 1995, to require disposal of Class A waste in concrete vaults, as well as improvements to the infiltration monitoring system and the enhanced engineering cap design. On October 10, 1995, CNSI submitted an amendment request to incorporate these changes of the South Carolina license into the NRC license.

FOR FURTHER INFORMATION CONTACT: Timothy E. Harris, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-6613. Fax.: (301) 415-5398.

SUPPLEMENTARY INFORMATION:

Background

The LLW disposal facility located near Barnwell, South Carolina, is licensed by the State of South Carolina for disposal of source and byproduct material. The NRC license allows the disposal of SNM, and acknowledges the State-regulated activities constitute the major site activities. As a result, NRC relies extensively on the State's regulatory program to evaluate the facility and the licensee's capability to demonstrate reasonable assurance that the disposal of LLW can be

accomplished safely. To this end, NRC coordinates review and assessment of the licensee with the State of South Carolina, Department of Health and Environmental Control. To avoid duplicative effort, NRC has identified several areas in which it relies primarily on the State regulatory program. Areas distinct to SNM regulation are directly evaluated by NRC. Under the NRC license, several State-identified license conditions are referenced; this ensures that NRC is aware of significant licensee activities requiring State regulatory action. Additionally, NRC incorporates conditions in the SNM license which provide NRC the latitude to enforce the Agreement State license conditions, that is, if NRC determines that such action is necessary. Finally, the NRC license does not abrogate or diminish the authority of the State of South Carolina governed by its Agreement under section 274b of the Atomic Energy Act of 1954, as amended, with NRC, to regulate, inspect or otherwise exercise control of operations, with respect to source and byproduct material, for disposal of that material at the LLW disposal facility at Barnwell, South Carolina.

Prior to the issuance of the proposed amendment, NRC will have made findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment.

The NRC provides notice that this is a proceeding on an application for a license amendment falling within the scope of Subpart L, "Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings," of NRC's rules and practice for domestic licensing proceedings in 10 CFR Part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(c). A request for a hearing must be filed within thirty (30) days of the date of publication of this Federal Register notice.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requester in the proceeding;
2. How that interest may be affected by the results of the proceeding, including the reasons why the requester should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

In accordance with 10 CFR § 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, Chem-Nuclear Systems, Inc., 140 Stoneridge Drive, Columbia, South Carolina 29210, Attention Mr William B. House, and;

2. The NRC staff, by delivery to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555-0001. Attention: Docketing and Services Branch; or hand-deliver comments to: 11555 Rockville Pike, Rockville, MD between 7:45 a.m. and 4:15 p.m., Federal workdays.

For further details with respect to this action, the application for amendment request is available for inspection at the NRC's Public Document Room, 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Maryland, this 16th day of July 1996.

For the Nuclear Regulatory Commission.

Michael F. Weber,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96-18491 Filed 7-19-96; 8:45 am]

BILLING CODE 7590-01-P

[IA 96-042]

Order Prohibiting Involvement in NRC-Licensed Activities

In the Matter of Mark A. Jenson (Home Address Deleted Under 10 CFR 2.2790).

I

Mark A. Jenson was employed as President of NDT Services, Inc. in Caguas, Puerto Rico, in 1993. NDT Services, Inc. (NDTS or Licensee) holds License No. 52-19438-01, issued to the Licensee in 1987 and last amended by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30 on March 9, 1995. The license authorizes industrial gamma ray radiography in accordance with the conditions specified therein. Mr. Jenson was identified in a letter from the Licensee to NRC, dated September 4, 1993, and in other licensing and inspection correspondence, as the President, NDTS.

II

On December 16-17, 1993, a special inspection of NDTS' activities was conducted at the Licensee's facility in

Caguas, Puerto Rico, in response to notifications received in the NRC Region II office that on September 4, 1993, two contract radiographers¹ employed by NDTS had been unable to return a radiography source to its shielded position following radiographic operations, which resulted in the evacuation of the Sun Oil Company refinery in Yabucoa, Puerto Rico, for several hours. Based on the results of the inspection, an investigation was initiated by the NRC Office of Investigations (OI) on December 30, 1993.

On December 21, 1995, OI completed its investigation and concluded, in part, the NDTS, with the knowledge and approval of the former Radiation Safety Officer (RSO) and former President, deliberately utilized radiographers untrained in NDTS operating and emergency procedures. During an August 31, 1995 interview with OI, Mr. Jenson stated that he was aware that even a highly qualified radiographer from another company must receive additional training before operating under NDTS' program. Mr. Jenson further stated that, prior to the September 4, 1993 incident, NDTS' former RSO told Mr. Jenson that the radiographers needed additional training prior to performing radiography. Nonetheless, Mr. Jenson allowed the radiographers to conduct licensed activities without the required training. In addition, Mr. Jenson stated that, following the September 4, 1993 incident, he requested both radiographers to sign a document certifying that the radiographers had been trained by NDTS, when in fact, they had not been. The radiographers refused to sign the document. Furthermore, during a May 19, 1995 transcribed interview with OI, one of the radiographers corroborated Mr. Jenson's admission (i.e., that Mr. Jenson asked the radiographer to sign a document indicating that the radiographer had been trained).

By letter dated February 20, 1996, Mr. Jenson was informed of the inspection and investigation results and was provided the opportunity to participate in a predecisional enforcement conference. Although the NRC has confirmation that Mr. Jenson received the letter (i.e., returned certified mail

¹ The radiographers involved in the event were contracted by NDTS from National Inspection and Consultants (NIC), an Agreement State Licensee in Florida. While no written contract was established to outline the scope and conditions of work, based on the information available, the NRC concluded that the work performed on September 4, 1993, was performed under the provisions of the NDTS License.