

exclusive license to practice the invention described and claimed in U.S. Patent No. 5,373,110, entitled "Ion Exchange Polymer and Method of Making," 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 should be sent to Lewis Research Center.

**DATES:** Responses to this notice must be received by July 28, 1997.

**FOR FURTHER INFORMATION CONTACT:** Kent N. Stone, Patent Attorney, NASA Lewis Research Center, Mail Stop 500-118, Cleveland, OH 44135, telephone (216) 433-8855.

Dated: May 20, 1997.

**Edward A. Frankle,**  
General Counsel.

[FR Doc. 97-13921 Filed 5-27-97; 8:45 am]

BILLING CODE 7510-01-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 97-074]

### Notice of Prospective Patent License

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of prospective patent license.

**SUMMARY:** NASA hereby gives notice that Hyperthermia Technologies, Inc., of Plymouth, NM 55447, has applied for a partially exclusive license to practice the invention described and claimed in U.S. Patent No. 5,261,874, entitled Extra-Corporeal Blood Access, Sensing, and Radiation Methods and Apparatus and U.S. Patent No. 5,429,594, entitled Extra-Corporeal Blood Access, Sensing, and Radiation Methods and Apparatus, which are both 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 should be sent to the Johnson Space Center.

**DATES:** Responses to this notice must be received by July 28, 1997.

**FOR FURTHER INFORMATION CONTACT:** James M. Cate, Patent Attorney, Johnson Space Center, Mail Code HA, Houston, TX 77058-3696, telephone (281) 483-1001.

Dated: May 20, 1997.

**Edward A. Frankle,**  
General Counsel.

[FR Doc. 97-13920 Filed 5-27-97; 8:45 am]

BILLING CODE 7510-01-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (97-076)]

### Notice of Prospective Patent License

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** NASA hereby gives notice that Solar Universal Technologies, Inc., of 13308 Euclid Avenue, Cleveland, OH 44112, has applied for an exclusive license to practice the invention described and claimed in U.S. Patent No. 5,373,110, entitled "Ion Exchange Polymer and Method of Making," 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 should be sent to Lewis Research Center.

**DATES:** Responses to this notice must be received by July 28, 1997.

**FOR FURTHER INFORMATION CONTACT:** Kent N. Stone, Patent Attorney, NASA Lewis Research Center, Mail Stop 500-118, Cleveland, OH 44135, telephone (216) 433-8855.

Dated: May 20, 1997.

**Edward A. Frankle,**  
General Counsel.

[FR Doc. 97-13919 Filed 5-27-97; 8:45 am]

BILLING CODE 7510-01-M

## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

**SUMMARY:** The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 398, "Personal Qualification Statement—Licensee."
2. *Current OMB approval number:* 3150-0090.
3. *How often the collection is required:* On occasion and every six years (at renewal).

4. *Who is required or asked to report:* Individuals requiring a licensee to operate the controls at a nuclear reactor.

5. *The number of annual respondents:* 1,660 annually.

6. *The number of hours needed annually to complete the requirement or request:* 1,730; approximately 1.04 hours per response.

7. *Abstract:* NRC Form 398 requests detailed information that should be submitted by a licensing candidate when applying for a new or renewal license to operate the controls at a nuclear reactor facility. This information, once collected, would be used for licensing actions and for generating reports on the Operator Licensing Program.

Submit, by July 28, 1997, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW (lower level), Washington, DC. Members of the public who are in the Washington, DC, area can access this document via modem on the Public Document Room Bulletin Board (NRC's Advanced Copy Document Library), NRC subsystem at FedWorld, 703-321-3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1-800-303-9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703-487-4608. Additional assistance in locating the document is available from the NRC Public Document Room, nationally at 1-800-397-4209, or within the Washington, DC, area at 202-634-3273.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T-6-F33, Washington, DC, 20555-0001, by telephone at (301) 415-7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 21st day of May, 1997.

For the Nuclear Regulatory Commission.

**Arnold E. Levin,**

*Acting Designated Senior Official for Information Resources Management.*

[FR Doc. 97-13868 Filed 5-27-97; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-01786, License No. 19-00296-10, EA No. 96-027]

### Department of Health and Human Services, National Institutes of Health Bethesda, Maryland; Order Imposing a Civil Monetary Penalty

#### I

The National Institutes of Health (NIH or Licensee), part of the United States Department of Health and Human Services, is the holder of Byproduct Materials License No. 19-00296-10 (license) issued by the former Atomic Energy Commission on December 7, 1956, and most recently renewed by the Nuclear Regulatory Commission (NRC or Commission) on May 19, 1990. The license is currently under timely renewal. The license authorizes the Licensee to possess and use certain byproduct materials in accordance with the conditions specified therein at the Licensee's facilities in Bethesda, Rockville, Poolesville, and Baltimore, Maryland.

#### II

Inspections of the Licensee's activities were conducted by the NRC Augmented Inspection Team (AIT) from June 30 through November 15, 1995, and by a Special Inspection Team on October 23-24, and November 6-10, 1995, at the Licensee's facility located in Bethesda, Maryland. The results of these inspections 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 August 23, 1996. The Notice states the nature of the violations, the provisions of the NRC requirements that the Licensee had violated, and the amount of the civil penalty proposed for one of the violations (Violation I). The Licensee responded to the Notice in a letter dated September 23, 1996. In its response, the Licensee disputes Violation I as well as the severity level associated with the violation, and requests withdrawal of the civil penalty.

#### III

After consideration of the Licensee's response and the statements of fact, explanation, and argument contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the Licensee has not provided an adequate basis for withdrawing Violation I or mitigating the severity level of this violation, or for mitigating the civil penalty associated with this violation. Therefore, a civil penalty in the amount of \$2,500 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 \$2,500 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 James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 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 I, 475 Allendale Road, King of Prussia, PA 19406.

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:

(a) Whether the Licensee was in violation of the Commission's requirements as set forth in Violation I of the Notice referenced in Section II above, and

(b) Whether on the basis of this violation, this Order should be sustained.

Dated at Rockville, Maryland this 20th day of May 1997.

For the Nuclear Regulatory Commission.

**Edward L. Jordan,**

*Deputy Executive Director for Regulatory Effectiveness, Program Oversight, Investigations and Enforcement.*

## Appendix

### Evaluations and Conclusion

On August 23, 1996, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for violations identified during two NRC inspections conducted at the Licensee's facility. The Licensee responded to the Notice in a letter dated September 23, 1996. In its response, the Licensee disputes Violation I, for which the civil penalty was assessed, disputes the severity level of the violation, and requests withdrawal of the civil penalty. The NRC's evaluation and conclusions regarding the Licensee's requests are as follows:

#### I. Restatement of Violation I

10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas. As defined in 10 CFR 20.1003, unrestricted area means an area, access to which is neither limited nor controlled by the licensee.

Contrary to the above:

(a) On July 6, 1995, the licensee did not secure from unauthorized removal or limit access to licensed material stored in laboratory 5D12 of Building 37, an unrestricted area. Specifically, a member of the NRC AIT found the licensed material inside an unlocked refrigerator that was located within the unlocked laboratory 5D12, and no one was present to control access to this material. The licensed material consisted of approximately 20 millicuries of tritium (H-3) and 2.5 millicuries of carbon-14 (C-14).

(b) On October 23, 1995, the licensee did not secure from unauthorized removal or limit access to licensed material stored in laboratories 4D25,