

such change, application for a new exemption may be made to the Department.

Signed at Washington, DC, this 20th day of August, 1999.

Ivan Strasfeld,

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

[FR Doc. 99-22024 Filed 8-25-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[IA 99-037]

Stanislaw Piorek, Ph.D.; Confirmatory Order Prohibiting Involvement in NRC- Licensed Activities (Effective Immediately)

I

Stanislaw Piorek, Ph.D. is a former employee of New Technology Development for Metorex, Inc. (MI). While employed by MI, he functioned as Radiation Safety Officer and Vice President. MI holds Nuclear Regulatory Commission (NRC) License Nos. 29-30342-02G and 29-30342-01. License No. 29-30342-02G authorizes distribution of generally licensed devices. License No. 29-30342-01 authorizes sealed sources for use and possession incident to the distribution of specifically licensed devices; research and development as defined in 10 CFR 30.4; manufacturing and testing of analyzer devices; installation and removal from analyzer devices; repair and servicing of devices; calibration of instruments, receipt, storage, and transfer of devices from customers for disposal; demonstrations of devices; and instruction and training in the use of devices.

II

On August 20, 1998, NRC conducted a safety inspection of activities authorized by MI's licenses. The inspection reviewed the circumstances surrounding the unauthorized distribution of x-ray fluorescence analyzer devices (SIPS Probes) from October 1997 through July 1998. Based on the findings of the August 20, 1998 inspection, the NRC's Office of Investigations (OI) initiated an investigation on August 24, 1998. The OI investigation determined that Stanislaw Piorek, Ph.D. deliberately failed to stop shipments of x-ray fluorescence analyzer devices during the period January 1998 through July 1998, knowing that MI was not authorized by the NRC to distribute

them. In addition, OI concluded that Dr. Piorek deliberately failed to submit quarterly reports to the NRC, regarding the transfer of radioactive material, for the fourth calendar quarter of 1997 and the first calendar quarter of 1998. As a result, the NRC has concluded that Dr. Piorek violated 10 CFR 30.10, "Deliberate Misconduct," in that Dr. Piorek caused the Licensee to be in violation of NRC requirements. Specifically: (1) in failing to stop distribution of x-ray fluorescence analyzer devices, Dr. Piorek caused the licensee to be in violation of 10 CFR 30.3; and (2) in failing to submit quarterly reports to the NRC, Dr. Piorek caused the licensee to be in violation of 10 CFR 32.52. Dr. Piorek has cooperated in the investigation of these matters and has admitted that these violations occurred.

III

In a telephone call on August 4, 1999, Dr. Piorek, through his attorney, agreed to issuance of a Confirmatory Order prohibiting him from engaging in NRC-licensed activities for a period of three (3) years from July 1, 1998, the date that Dr. Piorek ended his employment at MI and ceased involvement in NRC-licensed activities. On August 11, 1999, Dr. Piorek consented to the issuance of this Order with the commitments, as described in Section IV below. Dr. Piorek further agreed in the August 11, 1999 letter that this Order be effective upon issuance and that he waived his right to a hearing.

I find that Dr. Piorek's commitments as set forth in Section IV are acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that the public health and safety require that Dr. Piorek's commitments be confirmed by this Order. Based on the above and Dr. Piorek's consent to this action, this Order is immediately effective upon issuance.

IV

Accordingly, pursuant to sections 53, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR Parts 30 and 32, and 10 CFR 30.10, *it is hereby ordered, effective immediately, that:*

A. For a period of three years from July 1, 1998, the date that Dr. Piorek ended his employment at MI and ceased involvement in NRC-licensed activities, Dr. Stanislaw Piorek is prohibited from engaging in, or exercising control over individuals engaged in, NRC-licensed activities. NRC-licensed activities are

those activities that are conducted pursuant to a specific or general license issued by the NRC including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20. This prohibition covers the following activities: (1) using licensed materials or conducting licensed activities in any capacity within the jurisdiction of the NRC; and (2) supervising or directing any licensed activities conducted within the jurisdiction of the NRC.

Dr. Piorek may, however, provide advice to personnel on their use of devices containing licensed materials if such advice is described in a plan for such activities, which is reviewed and approved by the RSO or authorized designee. This advice is limited to the use of devices, not the contained licensed material. Dr. Piorek is not permitted to provide advice concerning use or installation of licensed material or compliance with NRC requirements. In addition, the actual conduct of such activities must be under the supervision of an authorized user. For purposes of this Order, an authorized user is a person who is listed on the license as a user of, or is an individual who supervises other persons using, NRC licensed material.

B. No less than five (5) days prior to the first time that Dr. Stanislaw Piorek engages in, or exercises control over, NRC-licensed activities during a period of five (5) years following the three-year prohibition stated in Section IV.A above, the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, shall be notified in writing of the name, address, and telephone number of the NRC or Agreement State licensee and the location where the licensed activities will be performed. This notice shall be accompanied by a statement by Dr. Stanislaw Piorek, under oath or affirmation, that he understands the applicable NRC requirements and is committed to compliance with NRC requirements.

The Director, Office of Enforcement, may relax or rescind, in writing, any of the above conditions upon a showing by Dr. Piorek of good cause.

V

Any person adversely affected by this Confirmatory Order, other than Dr. Piorek, may request a hearing within 20 days of its issuance. 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, One White Flint North,

11555 Rockville Pike, Rockville, MD 20852-2738, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory, to the Deputy Assistant General Counsel for Enforcement, and to the Director, Office of Nuclear Materials Safety and Safeguards, at the same address. If such a person requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. *An answer or a request for hearing shall not stay the immediate effectiveness of this order.*

For the Nuclear Regulatory Commission.

Dated this 19th day of August, 1999.

R.W. Borchardt,

Director, Office of Enforcement.

[FR Doc. 99-22205 Filed 8-25-99; 8:45 am]

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PENSION BENEFIT GUARANTY CORPORATION

Submission of Revision to Information Collection for OMB Review; Comment Request; Customer Satisfaction Survey for Plan Participants

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation is requesting that the Office of Management and Budget approve a

revision to a collection of information consisting of annual customer satisfaction surveys mailed to plan participants and beneficiaries in pension plans trustee by the PBGC (OMB Approval No. 1212-0058; expires 11/30/01). To supplement the annual survey, the PBGC proposes to send an abbreviated questionnaire in the form of a comment card to a randomly selected sample of participants and beneficiaries shortly after a call to the PBGC.

DATES: Comments should be submitted by September 27, 1999.

ADDRESSES: All written comments should be addressed to: Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, 725 17th Street, NW., Room 10235, Washington, DC 20503. Copies of the request for approval and of the proposed collection of information are available from the PBGC Communications and Public Affairs Department, suite 240, 1200 K Street, NW., Washington, DC 20005, between the hours of 9 a.m. and 4 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Suite 340, 1200 K Street, NW., Washington, DC 20005, 202-326-4024. (For TTY/TDD users, call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

SUPPLEMENTARY INFORMATION: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The PBGC is requesting OMB approval of a revision to a collection of information consisting of annual customer satisfaction surveys mailed to plan participants and beneficiaries in pension plans trustee by the PBGC (OMB Approval No. 1212-0058; expires 11/30/01). To supplement the annual survey, the PBGC proposes to send an abbreviated questionnaire in the form of a comment card to a randomly selected sample of participants and beneficiaries shortly after a call to the PBGC.

This voluntary collection of information will put a slight burden on a very small percentage of the public. The PBGC estimates that it will collect information through the comment card from 1,680 participants and beneficiaries annually and that the total annual burden will be 56 hours.

Issued at Washington, DC, this 19th day of August, 1999.

Gail A. Sevin,

Acting Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

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SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

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

Extension:

Form BDW, SEC File No. 270-17 OMB Control No. 3235-0018
Form 15Ba2-5, SEC File No. 270-91, OMB Control No. 3235-0088
Form 15c1-5, SEC File No. 270-422, OMB Control No. 3235-0471
Form 15c1-6, SEC File No. 270-423, OMB Control No. 3235-0472
Form 15c3-1, SEC File No. 270-197, OMB Control No. 3235-0200
Form 17Ad-3(b), SEC File No. 270-424, OMB Control No. 3235-0473
Form 17Ad-17, SEC File No. 270-412, OMB Control No. 3235-0469
Form 17a-10, SEC File No. 270-154, OMB Control No. 3235-0122
Form 17f-2(c), SEC File No. 270-35, OMB Control No. 3235-0029

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 requests for extension of the previously approved collections of information discussed below and as defined under the Securities Exchange Act of 1934 ("Exchange Act").

Form BDW is used by broker-dealers to withdraw from registration with the Commission, the self-regulatory organizations, and the states. It is estimated that approximately 900 broker-dealers annually will incur an average burden of 15 minutes, or 0.25 hours, to file for withdrawal on Form BDW via the internet with Web CRD, a computer system operated by the National Association of Securities Dealers, Inc. that maintains information regarding broker-dealers and their registered personnel. The annualized compliance burden per year is 225 hours (900 x 25 = 225 hours). The annualized cost to respondents, utilizing staff at an estimated cost of \$35