

**ACTION:** Notice of the OMB review of information collection and solicitation of public comment.

**SUMMARY:** The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

1. *Type of Submission, New, Revision, or Extension:* Revision.

2. *The Title of the Information Collection:* Policy Statement for the "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof By States Through Agreement," Maintenance of Existing Agreement State Programs, Request for Information through the Integrated Materials Performance Evaluation Program (IMPEP) Questionnaire, and Agreement State Participation in IMPEP.

3. *The Form Number if Applicable:* None.

4. *How Often the Collection is Required:* There are four activities that occur under this collection: IMPEP reviews conducted no less frequently than every four years; for States interested in becoming Agreement States; participation by Agreement States in the IMPEP reviews; and annual requirements for Agreement States to maintain their programs.

5. *Who Will be Required or Asked to Report:* 32 Agreement States who have signed Section 274b Agreements with NRC.

6. *An Estimate of the Number of Responses:* 50.

7. *The Estimated Number of Annual Respondents:* 32.

8. *An Estimate of the Total Number of Hours Needed Annually to Complete the Requirement or Request:* For States interested in becoming an Agreement State: Approximately 4,300 hours. For Agreement State participation in 9 IMPEP reviews (8 State and 1 NRC Region): 324 hours (an average of 36 hours per review). For maintenance of existing Agreement State programs: 239,040 hours (an average of 7,470 hours per State). For Agreement State response to 8 IMPEP questionnaires: 424 hours (an average of 53 hours per program). The total number of hours annually is 244,088 hours (5,048 reporting and 239,040 recordkeeping hours).

9. *An Indication of Whether Section 3507(d), Pub. L. 104-13 Applies:* Not applicable.

10. *Abstract:* States wishing to become an Agreement State are requested to provide certain information to the NRC as specified by the

Commission's Policy Statement, "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof By States Through Agreement." Agreement States need to ensure that the Radiation Control Program under the Agreement remains adequate and compatible with the requirements of Section 274 of the Atomic Energy Act (Act) and must maintain certain information. NRC conducts periodic evaluations through IMPEP to ensure that these programs are compatible with the NRC's, meet the applicable parts of the Act, and are adequate to protect public health and safety.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F23, Rockville, Maryland 20852. OMB clearance requests are available at the NRC worldwide web site: <http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by May 2, 2001. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. Amy Farrell, Office of Information and Regulatory Affairs (3150-0183), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-7318.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 27th day of March 2001.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 01-7991 Filed 3-30-01; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket Nos. 50-413 and 50-414]**

### **Duke Energy Corporation; Notice of Withdrawal of Application for Amendments to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Duke Energy Corporation (the licensee) to withdraw

its June 1, 2000, application for proposed amendments to Facility Operating License Nos. NPF-35 and NPF-52 for the Catawba Nuclear Station, Units No. 1 and 2, located in York County, South Carolina.

The proposed amendments would have revised the Technical Specification (TS) 3.6.16 Reactor Building and TS 5.5.11 Ventilation Filter Testing Program. It would have also revised Bases Sections 3.6.10, 3.6.16, 3.7.12, and 3.7.13.

The Commission had previously issued a Notice of Consideration of Issuance of Amendments published in the **Federal Register** on September 6, 2000 (65 FR 54085). However, by letter dated March 8, 2001, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendments dated June 1, 2000, as supplemented by letter dated September 27, 2000, and the licensee's letter dated March 8, 2001, which withdrew the application for license amendments. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 26th day of March 2001.

For the Nuclear Regulatory Commission  
**Chandu P. Patel,**

*Project Manager, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 01-7994 Filed 3-30-01; 8:45 am]

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## **NUCLEAR REGULATORY COMMISSION**

**[Docket Nos. 50-220 and 50-410]**

### **Niagara Mohawk Power Corporation Nine Mile Point Nuclear Station, Unit Nos. 1 and 2; Notice of Consideration of Approval of Direct and Indirect Transfer of Facility Operating Licenses and Conforming Amendments, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the direct transfer of Facility Operating Licenses Nos. DPR-63 and NPF-69 for the Nine Mile Point Nuclear Station, Unit Nos. 1 and 2 (NMP-1, NMP-2), to the extent the NMP-1 license is held by Niagara Mohawk Power Corporation

(NMPC) as exclusive owner and operator of NMP-1, and to the extent the NMP-2 license is held by NMPC as part-owner and exclusive operator of NMP-2, and New York State Electric & Gas Corporation (NYSEG), Rochester Gas and Electric Corporation (RG&E), and Central Hudson Gas & Electric Corporation (CHGEC) as part-owners of NMP-2. The remaining part-owner of NMP-2, Long Island Lighting Company (doing business as Long Island Power Authority), which has an undivided 18% ownership interest in NMP-2, is not involved in the proposed transaction described herein, and accordingly will retain its ownership interest in and remain a licensee for NMP-2. The direct transfer of the NMP-1 and NMP-2 licenses would be to a new limited liability company, Nine Mile Point Nuclear Station, LLC (NMP LLC). NMP LLC will be an indirect subsidiary of Constellation Nuclear, LLC, which is presently a subsidiary of Constellation Energy Group, Inc. (CEG). The Commission is also considering approving associated indirect license transfers to the extent such would be effected by a realignment of the CEG organization involving the creation of a new holding company, currently referred to as New Controlled, or by Virgo Holdings, Inc. (Virgo), an indirect wholly owned subsidiary of The Goldman Sachs Group, Inc., acquiring up to a 17.5% voting interest in New Controlled. The Commission is further considering amending the licenses for administrative purposes to reflect the proposed direct transfer. The facility is located in Oswego County, in the State of New York.

According to a February 1, 2001, application (consisting of a proprietary and a non-proprietary version) filed by Constellation Nuclear, LLC, on behalf of NMP LLC, NMPC, NYSEG, RG&E, and CHGEC, which was supplemented by letters from Constellation Nuclear, LLC, dated March 1 and March 16, 2001, NMP LLC would assume title to NMP-1 following approval of the proposed license transfer, and would assume the 82-percent ownership interest in NMP-2 currently held by NMPC, NYSEG, RG&E and CHGEC. In addition, NMP LLC would become responsible for the operation of both NMP-1 and NMP-2. The application states that NMP LLC will also assume the decommissioning responsibility of the current owners of NMP-1 and NMP-2 who are transferring their interests in the facilities to NMP LLC. NMP LLC will provide decommissioning funding assurance through the use of

decommissioning trusts coupled with parent company guarantees.

No physical changes to the facility or operational changes are being proposed in the application. The application states that upon closing, substantially all NMPC employees will become employees of NMP LLC.

The application also states that Virgo may in the future exercise rights to acquire additional voting interests beyond 17.5% in New Controlled. The Commission is not considering at this time approving any indirect license transfers that may be associated with Virgo acquiring such additional voting interests.

The proposed amendments would replace references to NMPC, NYSEG, RG&E, and CHGEC in the licenses with references to NMP LLC, as appropriate, and make other administrative changes to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the direct transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and will approve an application for an indirect transfer if the Commission determines the underlying transaction effectuating the transfer will not affect the qualifications of the holder of the license, and in both cases if the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming 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.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and

written comments with regard to the license transfer application, are discussed below.

By April 23, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon Jay E. Silberg, counsel for Constellation Nuclear, LLC, at Shaw Pittman, 2300 N Street, NW., Washington, DC 20037 (tel. 202-663-8063; fax 202-663-8007; e-mail: jay.silberg@shawpittman.com); Mark J. Wetterhahn, counsel for NMPC, at Winston & Strawn, 1400 L Street, NW., Washington, DC 20005 (tel. 202-371-5703; fax 202-371-5950; e-mail: mwetterh@winston.com); Daniel F. Stenger, counsel for RG&E, at Foley and Lardner, 888 16th St., NW., #700, Washington, DC 20006 (tel. 202-835-8185; fax 202-835-8136; e-mail: dstenger@hopsut.com); Mary A. Murphy, counsel for NYSEG, at LeBoeuf, Lamb, Greene & MacRae, L.L.P., 1875 Connecticut Ave, N.W., Suite 1200, Washington, D.C. 20009 (tel. 202-986-8021; fax 202-986-8102; e-mail: mmurphy@llgm.com); Robert J. Glasser and Bo Hong, counsel for CHGEC, at Gould & Wilkie, LLP, One Chase Manhattan Plaza, 58th Floor, New York, NY 10005 (tel. 212-344-5680; fax 212-809-6890; e-mail: BobGlasser@gouldwilkie.com and BHong@gouldwilkie.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.GOV); and the Secretary of the Commission,

U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by May 2, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated February 1, 2001, and supplements dated March 1 and March 16, 2001, available for public inspection at the Commission's Public Document Room located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 27th day of March 2001.

For the Nuclear Regulatory Commission.

**Peter S. Tam,**

*Senior Project Manager, Section 1, Project Directorate 1, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 01-7992 Filed 3-30-01; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Regulatory Guide; Issuance, Availability**

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data

needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.72, "Guidance for Implementation of 10 CFR 72.48, Changes, Tests, and Experiments," has been developed to provide guidance to licensees and holders of Certificates of Compliance on their evaluation of changes proposed to facilities or cask designs licensed under 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste."

Comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Specific questions on Regulatory Guide 3.72 may be directed to Mr. C.P. Jackson at the NRC at (301)415-2947, email [CPJ@NRC.GOV](mailto:CPJ@NRC.GOV).

Regulatory guides are available for inspection or downloading at the NRC's web site at [WWW.NRC.GOV](http://WWW.NRC.GOV) under Regulatory Guides and in NRC's Electronic Reading Room (ADAMS System) at the same site; Regulatory Guide 3.72 is under Accession Number ML010710153. Single copies of regulatory guides may be obtained free of charge by writing the Reproduction and Distribution Services Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by fax to (301)415-2289, or by email to [DISTRIBUTION@NRC.GOV](mailto:DISTRIBUTION@NRC.GOV). Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 20th day of March 2001.

For the Nuclear Regulatory Commission.

**Roy P. Zimmerman,**

*Deputy Director, Office of Nuclear Regulatory Research.*

[FR Doc. 01-7876 Filed 3-30-01; 8:45 am]

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## **PENSION BENEFIT GUARANTY CORPORATION**

### **Privacy Act of 1974; System of Records**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of an Altered System of Records—PBGC-12, Personnel Security Investigation Records—PBGC.

**SUMMARY:** The Pension Benefit Guaranty Corporation is proposing to alter a system of records maintained pursuant to the Privacy Act of 1974, as amended, entitled "PBGC-12, Personnel Security Investigation Records—PBGC." The revised system will include records about individuals who work, or who are being considered for work, for the PBGC as contractors or as employees of contractors.

**DATES:** Comments on changes must be received by May 2, 2001. The changes will become effective May 17, 2001, without further notice, unless comments result in a contrary determination and a notice is published to that effect.

**ADDRESSES:** Comments may be mailed to the Office of the General Counsel, Suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, or delivered to that address between 9:00 a.m. and 4:00 p.m. on business days. Comments also may be sent by Internet e-mail to [reg.comments@pbgc.gov](mailto:reg.comments@pbgc.gov). Comments will be available for public inspection at the PBGC's Communications and Public Affairs Department, Suite 240 at the same address, between 9:00 a.m. and 4:00 p.m. on business days.

**FOR FURTHER INFORMATION CONTACT:** D. Bruce Campbell, Attorney, Office of the General Counsel, Suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026; 202-326-4020 (extension 3672). (For TTY/TDD users, call the federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4020 (extension 3672).)

**SUPPLEMENTARY INFORMATION:** The PBGC conducts background investigations and reinvestigations to establish that applicants for employment and employees are reliable, trustworthy, of good conduct and character, and loyal to the United States. The PBGC maintains records about these investigations in a system of records subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a) ("Privacy Act"), entitled "PBGC-12, Personnel Security Investigation Records—PBGC." The PBGC's regulations implementing